

EXHIBIT UU

In the Matter of:
Caryn Devins Strickland
vs
United States, et al.

Deposition of:
JILL LANGLEY
April 27, 2023



(703) 331-0212
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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION

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CARYN DEVINS STRICKLAND, :
:
Plaintiff, :
vs. : Case No. 2021-2071
:
UNITED STATES, et al., :
:
Defendants. :
:
- - - - - x

WASHINGTON, D.C.

THURSDAY, APRIL 27, 2023

=====
CONFIDENTIAL PURSUANT TO PROTECTIVE ORDER
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DEPOSITION OF

JILL LANGLEY

called for examination by counsel for the Plaintiff,
pursuant to notice, at the offices of Caleb Andonian,
PLLC, 1100 H Street, NW, Suite 315, Washington, D.C.,
commencing at 9:29 a.m. and concluding at 2:45 p.m.,
before Kirk A. Sturges, a Notary Public for the
District of Columbia.

A P P E A R A N C E S:

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ALSO PRESENT (VIA REMOTE PLATFORM ZOOM)

Kristin Mannherz
Caryn Devins Strickland

C O N T E N T S

WITNESS: JILL LANGLEY

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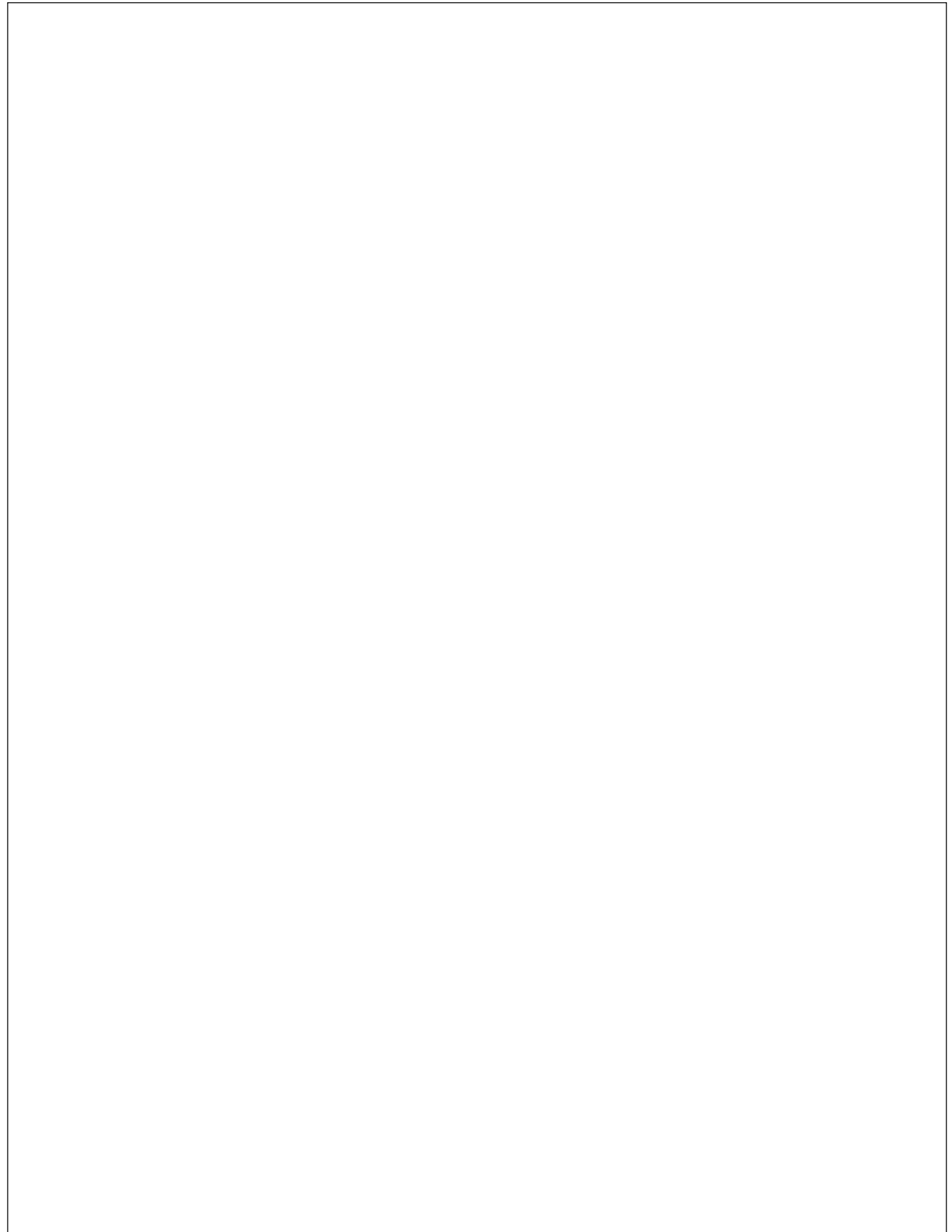
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P R O C E E D I N G S

Thereupon,

JILL LANGLEY

was called as a witness, and after having been first
duly sworn by the Notary, was examined and testified
as follows:

EXAMINATION BY COUNSEL FOR THE PLAINTIFF

BY MS. WARREN:

Q Good morning.

A Good morning.

MS. McMAHON: Before we begin, I just
want to reserve the right for the witness to sign and
read the transcript.

(In the presence of counsel for the
respective parties, it was requested
the witness read and sign the
deposition transcript.)

MS. McMAHON: Thank you.

BY MS. WARREN:

Q Ms. Langley, would you please state your
name for the record?

A Jill Langley.

1 Q Would you spell your last name?

2 A L-A-N-G-L-E-Y.

3 Q Have you ever been deposed?

4 A Yes.

5 Q How many times?

6 A Once.

7 Q And you understand the oath that you
8 took?

9 A Yes.

10 Q Are you feeling okay today?

11 A Yes.

12 Q Is there any reason that you wouldn't be
13 able to answer my questions?

14 A No.

15 Q If you don't understand a question, will
16 you let me know?

17 A I will.

18 Q Is it fair to assume that if you answer a
19 question, you understand it?

20 A If I don't understand it, I will try to
21 let you know I don't understand it.

22 Q I know we had just got settled, but we

1 will take breaks. I'll try to take breaks every hour
2 or hour and a half.

3 If you need a break, just let me know.

4 A Okay.

5 Q All I ask is you wait until you have
6 answered a question.

7 A Okay.

8 Q How did you prepare for your deposition
9 today?

10 A I met with Department of Justice
11 attorneys. I reviewed the relevant documents that
12 related to me.

13 Q When did you meet with them?

14 A Last week.

15 Q For about how long?

16 A Part of the day.

17 Q Did you do any other substantive
18 preparations for this deposition?

19 A I don't think so, no.

20 Q Have you -- when did you find out that
21 you were being deposed in this case?

22 A I don't quite remember. Six weeks ago,

1 something like that. I don't quite remember.

2 Q Other than preparing with DoJ attorneys,
3 have you talked with anyone substantively --

4 A No.

5 Q -- about the deposition?

6 A No.

7 Q You said you reviewed some documents that
8 were relevant.

9 A Uh-huh (affirmative response).

10 Q What documents did you review?

11 A I reviewed the declarations that I
12 submitted; I reviewed the notes that you made of my
13 meeting with the plaintiff; I reviewed the fourth
14 circuit EDR plan; I skimmed the complaint; and I
15 skimmed the published Fourth Circuit decision.

16 Let me think about it. Is there anything
17 else?

18 That's all I can think of.

19 Q Did you take notes during this case as
20 these events were happening in 2019? Did you take
21 any notes?

22 A Probably I took written notes but didn't

1 save them. The only thing I would have saved was the
2 notes that I've already produced.

3 Q Do you generally not save your
4 handwritten notes?

5 A Generally, I do not. Right.

6 Q Is there any time when you do save your
7 handwritten notes?

8 A No. I usually -- my practice is to take
9 handwritten notes, type them up, and destroy the
10 handwritten notes.

11 Q I want to talk with you about your
12 service in the judiciary?

13 A Okay.

14 Q Where were you employed before you began
15 in the judiciary?

16 A Before the judiciary, I was an attorney
17 with a law firm in Phoenix, Arizona.

18 Q What kind of practice did you have?

19 A Corporate transaction work; and then when
20 the stock market crashed in 1988 -- which will show
21 you how old I am -- I did -- I shifted over to
22 appellate work because the litigators and the

1 appellate people didn't understand securities law.

2 Q How long were you doing appellate work?

3 A I want to say two years.

4 Q How long were you in private practice?

5 A About a decade, maybe short of a decade,
6 like eight years.

7 Q When did you begin with the judiciary?

8 A 1995.

9 Q What was your first job?

10 A Staff attorney for the 10th Circuit Court
11 of Appeals.

12 Q What was your role in that job?

13 A As staff attorneys, we work with the
14 judges to draft most of the non-orally argued cases.

15 Q How long were you a staff attorney?

16 A From 1995 until I became the judicial
17 integrity officer --

18 Q And when was --

19 A -- which was in two-thousand -- I was
20 hired in December of 2018.

21 Q Did you have any other jobs for the
22 judiciary --

1 A No.

2 Q -- as a staff attorney?

3 A No.

4 I was an EDR coordinator, but that's not
5 a job. It's a volunteer add-on thing you do, but it
6 isn't a job title.

7 Q When did you become the EDR coordinator?

8 A I think in 2007, about approximately in
9 that time zone, maybe 2006.

10 Q So you said it was a volunteer role.

11 A Right. People in the court who are
12 designated to do it, it's not -- you do your day job,
13 and you do the EDR work as someone comes in and wants
14 guidance.

15 Q And you began that role in 2007?

16 A Yes. This is going to be approximate.

17 Q Approximate.

18 A So it could be 2006. It could be 2005.
19 But it's somewhere in that range.

20 Q Were you compensated differently --

21 A No.

22 Q -- because you were doing that role?

1 A No.

2 Q So your official title remained staff
3 attorney until 2019?

4 A 2018.

5 Q 2018. I'm sorry. When you became --

6 A Yes.

7 Q -- the judicial integrity officer?

8 A Yes.

9 Q How did you become the EDR coordinator in
10 2007?

11 A There was another person in the office
12 -- the staff attorney who had been the EDR
13 coordinator -- and when she became the deputy circuit
14 executive, I said I was interested in taking over for
15 her, and they designated me.

16 Q Why were you interested?

17 A I guess I don't really remember now why
18 other than it seemed like a helpful thing to do.

19 Q What kind of training did you get as an
20 EDR coordinator?

21 A The A.O. had training that you could come
22 to Washington for and they put on a several-day

1 training course on the employment protections in the
2 EDR plan and what the employment protections and
3 processes were.

4 Q So, how many days would you say that
5 training was?

6 A We are going back a long time.

7 Q Yes.

8 A But I want to say it was three days.

9 And then I was also asked to -- when they
10 put on additional training, they asked me to come in
11 and be one of the trainers; and I did two of those.

12 Q I'm going to ask you about times you have
13 conducted trainings in just a couple minutes; so, I
14 want to try to focus on training that you received.

15 A Okay.

16 Q So this three-ish day training in D.C.,
17 would that have occurred for you in 2007?

18 A To be precise, I don't remember the year;
19 but it would have been shortly after the became the
20 EDR coordinator so somewhere in that -- I can't limit
21 it to within even a year -- somewhere in that 2005,
22 2006, 2007 time frame.

1 Q And did that -- I just want to understand
2 what that training included.

3 I know it was a long time ago, and I also
4 don't remember those years of my life. So
5 recognizing that, but just to the best of your
6 memory, I think, you said it included training on
7 sort of the policy and procedures.

8 Did you learn about the kinds of matters
9 that might come up through the EDR process?

10 A Without any specificity, I would be
11 guessing; but I think so.

12 Q Do you know if the training included
13 anything about sexual harassment?

14 A Yes.

15 Q Workplace harassment generally?

16 A We covered all of the employment
17 protections that are in the Employment Dispute
18 Resolution plan; so, yes.

19 Q And in covering those protections, do you
20 know if it -- do you remember if the training
21 explained what sexual harassment is and what it looks
22 like?

1 Sorry. I'll ask what it is. That was a
2 compound question.

3 A I would -- not the way I would think I
4 understand sexual harassment today in terms of any
5 extended conversation. We certainly discussed what
6 Title VII says.

7 Q Tell me how you understand sexual
8 harassment today.

9 A That's way too broad of a question. I
10 mean, that could be an hour-long seminar. You're
11 going to have to be much more specific than that.

12 Q I mean, it sounds like your understanding
13 has evolved.

14 A Well, let me be clearer.

15 What we did in the EDR training was a
16 brief discussion of each of the employment laws. It
17 wasn't any more extended than what the statement in
18 the EDR plan said about distribution, about
19 harassment, about the Family and Medical Leave Act,
20 about the OSHA, about the Warren Act.

21 It wasn't -- the purpose of it was not to
22 educate us on the law. The purpose of it was to

1 educate us on the EDR process.

2 Now, there is a lot more I understand
3 about it than what I learned in those days. Most of
4 my knowledge about sexual harassment comes from being
5 an attorney and understanding employment law.

6 Q So after that initial training, did you
7 have any other trainings as an EDR coordinator?

8 A That I was the audience of?

9 Q Yes.

10 A No.

11 Q Did you attend any other trainings on
12 workplace misconduct including sexual harassment,
13 discrimination, or retaliation?

14 A I just can't remember at this point.
15 Maybe yes. Maybe no. I just don't remember.

16 Q Do you remember ever attending any
17 trainings with outside organizations?

18 A I don't remember ever doing that.

19 Q So as the EDR coordinator from 2007 to
20 2018, what did you do?

21 A When an employee who was covered by the
22 10th Circuit Court of Appeals EDR plan had questions,

1 I would provide that guidance.

2 And if they filed any of the EDR claim
3 documents, I would keep the records and do all the
4 tasks assigned to an EDR coordinator in the EDR plan.

5 Q What else did you do as the EDR
6 coordinator?

7 A Well, I don't know how to describe it.
8 I mean, I can go slow, or do you want it
9 detailed?

10 Do you want like every single thing an
11 EDR coordinator does, or do you --

12 Q I want to understand what your roles are.

13 A So if an employee comes to you either by
14 phone or by email, you answer their questions about
15 the EDR plan, whatever their questions might be.

16 Sometimes they want to file a request for
17 counseling; and you give them the guidance, the
18 forms, the EDR plan. You answer whatever questions
19 they have in that process. You make sure they know
20 whatever they want to know.

21 If they then file the request for
22 counseling, you make sure -- I keep a private,

1 confidential record of it; so I'm like a docketing
2 clerk or like a clerk of court for EDR.

3 If they file a request for mediation, you
4 keep that. You give a copy to the appropriate
5 parties.

6 You just kind of are the record keeper
7 and you're also the person that answers the questions
8 about the EDR process to the employee and to all of
9 the other parties.

10 Q About how many times between 2007 and
11 2018 would you say you answered questions from an
12 employee about the EDR plan?

13 A I would say about once or twice a year.

14 Q About how many actual claims did you
15 handle?

16 A Slightly less than once a year.

17 Q As the EDR coordinator, did you talk with
18 other EDR coordinators in other courts?

19 A I can't say I didn't, but I don't have
20 any specific memories of that one way or the other.

21 Q Did you play any other role in the
22 judiciary between 2007 and 2018 in developing

1 anything related to the EDR?

2 A Yes.

3 So in 2008, the judiciary wanted to make
4 changes to the model EDR plan; and I was asked to be
5 a member of that EDR working group.

6 I was one of the few non-judges to be
7 part of that working group. As the non-judge, I did
8 a lot of the writing as you can imagine. When they
9 had concepts, I wrote them down.

10 And that started in late 2008, and the
11 new revised model EDR plan came out in 2010.

12 So I was part of that entire process of
13 discussing the modifications, writing the drafts,
14 et cetera, and then getting it approved.

15 In 2013 there was -- the judiciary wanted
16 to added whistleblower protection to the EDR plan;
17 and I was asked to draft that provision, and I did.

18 The provision that I drafted was adopted
19 in the 2013 amendments and then when the judiciary
20 wanted to amend the EDR plan again in 2018, I was
21 asked to be on that EDR working group and was part of
22 that.

1 Q Okay.

2 A I've had -- also, because I had been
3 involved in those amendments of the EDR plan, I began
4 getting calls from -- both I did training of the
5 courts in the 10th Circuit, but people in the
6 judiciary somehow would learn that I was familiar
7 with EDR and I would get calls from the Court
8 sometimes.

9 Q When did that start happening?

10 A 2010 forward, after the new year -- after
11 the two-thousand -- that was a big amendment in 2010.
12 It was a pretty big -- it was the first amendment.

13 I would say like two, three times a year
14 I got a call from another court saying, "We think you
15 understand this. What do you think"?

16 Q Beginning in 2010, two to three calls a
17 year?

18 A Yes.

19 Q Okay.

20 A From courts outside the Court of Appeals.

21 Q As the EDR coordinator for the
22 10th Circuit Court of Appeals, did you handle any EDR

1 complaints from the district courts within the
2 circuit; or were those a separate coordinator?

3 A Districts courts are separate. If a
4 claim is against a district court judge, though, it
5 is transferred to the Circuit Court of Appeals.

6 Q You said that the 2010 revision was
7 significant and that you began working as a member of
8 the working group in 2008.

9 A Yes.

10 Q Who else was on the working group in
11 2008?

12 A I don't remember.

13 The only name I remember -- because he
14 and I both came from Colorado -- was Judge Wiley
15 Daniel of the District of Colorado.

16 I remember there was a judge from
17 Kentucky, but I don't remember the name.

18 I remember there was an attorney from
19 Philadelphia that came as an advisor.

20 I remember there was a clerk of court
21 from Texas.

22 There were other judges, and I just don't

1 remember the names anymore.

2 Q What do you mean, an attorney who was an
3 advisor?

4 A He was an employment lawyer who came in
5 and was an advisor.

6 Q Do you remember what their experience was
7 in employment law?

8 A Not at all. He was an employment lawyer.
9 That's all I remember.

10 Q You said -- do you know why the 2008
11 working group was formed?

12 A I know what my memory of one of the
13 impetuses. I don't know if it was the only impetus.
14 What my recollection of the impetus was
15 that it had come to someone's attention that
16 employees believed the only way -- or at least some
17 employee somewhere. I don't know whether more than
18 one.

19 But somehow there was concern that at
20 least an employee or more believed the only way they
21 could report what I will call EDR wrongful conduct
22 -- which would include harassment -- was by filing

1 the request for counseling, request for mediation,
2 and complaint, the multistep process to get to a
3 complaint.

4 We wanted to make clear that you could
5 report wrongful conduct even if you didn't want to
6 file a complaint.

7 So one of the major reasons that we were
8 making changes was to put in a provision that would
9 say we encourage you to report wrongful conduct
10 whether or not you want to file a complaint, whether
11 or not you are even a victim of the alleged wrongful
12 conduct.

13 Q Okay. And those changes were implemented
14 in the 2010 plan?

15 A That's correct.

16 Q Were there any other changes in that
17 provision?

18 A There were, yes; but I don't remember
19 specifically what anymore.

20 Q I think you said you were involved in the
21 2013 plan.

22 A That just added the whistleblower

1 protection, but yes.

2 Q And again, was there a working group
3 around that plan?

4 A There was not.

5 Q Did anybody else assist in that revision?

6 A I'm sure there were.

7 My chief circuit judge was, I think, the
8 chair of the judiciary sources committee; and that is
9 why he asked me if I would draft it.

10 I know he was working with other judges
11 on that committee; but I don't who, specifically.

12 Q What about the 2018 working group?

13 A What about it?

14 Q Who was on that?

15 A Like 12 people.

16 Q Do you remember who?

17 A Some of the names, not everybody. I
18 mean, that's a big list.

19 So, the director -- deputy director of
20 the -- so, mentally going around the room in my head,
21 the deputy director of the A.O. Lee Ann Bennett would
22 be there; now director Judge Roslyn Mauskopf -- do

1 you want me to spell these names?

2 THE COURT REPORTER: Yes.

3 THE WITNESS: Roslyn Mauskopf --

4 R-O-S-L-Y-N -- M-A-U-S-K-O-P-F -- District Court
5 Judge Bryan Jackson; Chief probation officer James
6 Corpening -- C-O-R-P-E-N-I-N-G; from the Fifth
7 Circuit Court of Appeals Mary G. Thompson --
8 T-H-O-M-P-S-O-N; from the First Circuit Deputy
9 Circuit Executive Florence Pagano -- P-A-G-A-N-O.

10 From the Ninth Circuit -- though now the
11 Sixth Circuit -- Marc -- and I cannot think of his
12 last name, and I should know it. I'm going to feel
13 badly, but I can't think of his last name right now.

14 But Marc -- M-A-R-C -- he is now the
15 Sixth Circuit executive.

16 I'm trying to go around the room in my
17 head.

18 Oh, the Third Circuit executive Margaret
19 Weigand -- W -- probably -- E-I-G-A-N-D -- Weigand.

20 That's who I remember. I'll feel badly
21 if I left somebody out.

22 Q We won't tell them.

1 A I feel like I'm the Oscars people where
2 you don't name everybody.

3 Q There also no music to drag you out.

4 A It's going to kill me that I can't think
5 of Marc's last name right now, but I'm getting old.

6 Q You became the judicial integrity officer
7 in 2018.

8 A December of 2018.

9 Q Okay.

10 A Although I started working in January,
11 that's when I was hired.

12 Q And tell me what the role was as the
13 judicial integrity officer?

14 A There was a federal judiciary workplace
15 conduct working group that recommended -- issued a
16 report in June of 2018 that had recommended the
17 creation of a national office.

18 I don't remember, specifically, what the
19 report envisioned as the role.

20 My best recollection is that the report
21 envisioned the role as being a national resource that
22 would be easy for any judiciary employees to locate

1 and find and that it would be a resource outside of
2 someone's court or employing office, if that's where
3 they felt more comfortable.

4 I believe it was also envisioned as an
5 office that could provide training and education more
6 nationally.

7 Certainly, it was envisioned as an office
8 that could provide advice and guidance about the
9 employment protections in the EDR plan and the
10 process for seeking remedies and resolutions under
11 the EDR plan.

12 Q I think you just said that the report
13 that recommended this was in July of 2019.

14 A June of 2018.

15 Q June. Okay. I just wanted to make sure
16 I got the date.

17 A Did I say that? Huh.

18 Q That's okay. They had a supplement in
19 the summer of 2019?

20 A Well, no. But I'm surprised I said that
21 because I know it wasn't July of 2019.

22 Q That's why I asked.

1 A Thank you for asking. That worries me.

2 Q It's early in the morning. It's okay.

3 A Let me drink more caffeine.

4 Q So, how did you first learn about the
5 role of the judicial integrity officer?

6 A I read the June 2018 report. I do
7 remember reading that and the executive summary and
8 noticing that idea.

9 Q Did the judiciary post the position?

10 A Yes.

11 Q And how did you apply?

12 A I was at the 10th Circuit Judicial
13 Conference in probably September of 2018, and Lee Ann
14 Bennett asked me to apply.

15 Q What was -- do you remember what kind of
16 materials were required?

17 A No.

18 Q What was the interview process like?

19 A There was an interview panel I don't
20 remember at all other than I can remember one person.
21 There was probably eight people.

22 The only person I remember being there

1 was Susan Goldberg, who was the First Circuit
2 executive; but there was a whole room full of people
3 who interviewed me.

4 Q Was it just the one interview?

5 A Yes.

6 Q About how long was it?

7 A Two hours.

8 Q Do you know how many candidates they were
9 considering?

10 A No idea.

11 Q Do you know any other candidates that
12 they were considering?

13 A No.

14 Q Why were you interested in becoming the
15 judicial integrity officer?

16 A I wasn't.

17 I was very happy in Colorado. I was the
18 First Circuit Director of Workplace Relations, and I
19 enjoyed that.

20 But when Lee Ann Bennett talked to me
21 about it, I do have a lot of familiarity with the EDR
22 plan and wanted to be of assistance, wanted to be

1 helpful; and she seemed to think I could be helpful.

2 Q You said you were the First Circuit
3 Director of Workplace Relations?

4 A Yes.

5 Q When did you assume that role?

6 A August of 2018.

7 Q What was that role?

8 A That role was to help all of the judicial
9 employees within your circuit -- help employees, help
10 EDR coordinators, help supervisors, judges --
11 understand their rights, obligations in the EDR
12 process.

13 Q When you say help, how would you help
14 them?

15 A So, because EDR -- well, there is lot of
16 different ways; so let me go through it.

17 Let's start with EDR coordinators. It is
18 an ancillary job and a Court can designate whomever
19 they want.

20 Some designate librarians or staff
21 attorneys or I.T. people; and they only are called
22 upon occasionally to provide EDR advice and guidance.

1 Not all are attorneys. Not all are employment
2 attorneys.

3 And I believe there is a need to have
4 someone at the circuit level that could be a resource
5 to all of the EDR coordinators within the circuit who
6 could answer the questions that they would have,
7 promptly and efficiently, so they didn't always have
8 to either call the A.O. or not know.

9 Employees -- each -- under the existing
10 EDR plan, employees could always go to their court's
11 EDR coordinators to get information.

12 But I believe that there is times
13 employees don't want to go to someone at their court.
14 They might be concerned of a conflict of interest.
15 They may not want to share private information with
16 someone who they work with. I thought it was
17 important to have someone outside of their court as
18 an additional option.

19 H.R. people sometimes don't understand
20 employment law and are often asked about employment
21 protections and they would also benefit from having
22 someone at the circuit who could help answer those

1 kinds of questions.

2 So that's how I envisioned the circuit
3 director job.

4 Q When you became the circuit director, was
5 that a voluntary role?

6 A Well, I wasn't forced.

7 Q You said you were a staff attorney until
8 2018. So this was another add-on --

9 A Yes.

10 Q -- role?

11 A Yes.

12 Q Other than EDR coordinator and Circuit
13 Director of Workplace Relations, did you have any
14 other additional titles or roles while you were a
15 staff attorney?

16 A No.

17 Q And the Circuit Director of Workplace
18 Relations, was this a role that you envisioned
19 yourself?

20 A Yes.

21 Q Was it included in the 2018 working group
22 report?

1 A They had also recommended this as a
2 concept.

3 I actually think because I recommended it
4 to one of the judges who recommended it to the -- I
5 don't know that. I just think that I had advocated
6 for this idea for a while.

7 So when I saw it in the report, I made up
8 a story in my mind it was because someone heard me
9 suggest it.

10 Q Where did you get the idea for this
11 centralized role?

12 A I can't tell you when and where.

13 I know that not all of the EDR
14 coordinators had the advantage to go to the training
15 that I had gotten to go to. I knew that not all of
16 them were attorneys. Not all of them understood the
17 laws that are in the EDR plan. And I somehow became
18 aware that people could use extra help.

19 Q What do you mean by the laws that are in
20 the EDR plan?

21 A So, there's a lot of federal employment
22 laws that don't, by their terms, apply to employees

1 of the federal judiciary.

2 Starting in 1985, it has become binding
3 judicial conference policy to voluntarily comply with
4 the substance of several federal employment laws.

5 Then in 1997, Congress adopted the
6 Congressional Accountability Act which applied
7 numerous federal employment laws to congressional
8 employees. And there was some discussion, my
9 understanding is, that should the judiciary -- so
10 some of those same laws apply to the judicial branch.

11 And ultimately, what happened was the
12 judiciary adopted a voluntary binding policy by the
13 judicial conference -- the judges of the United
14 States judicial conference to voluntarily comply with
15 the substance of -- I think it was then -- I think it
16 used to be referred to as nine laws.

17 So, those nine laws we would, as a
18 judiciary, comply with the substance of those laws;
19 but we would have -- because we weren't governed by
20 the EEOC, we weren't subject to the jurisdiction of
21 the federal courts for remedies or violations of
22 those protections -- have an internal claims process

1 that's set forth in the Employment Dispute Resolution
2 plan.

3 Q Do you think it's important that
4 employees understand the difference between laws that
5 -- statutes that apply to them and statutes that
6 don't?

7 A Yes.

8 Q Do you tell employees that the statutes
9 do not apply as written? Do you explain how they are
10 incorporated?

11 A So in my early training, I didn't. It
12 seemed kind of in the weeds and technical, so I think
13 it was important for them to know that they had the
14 protections of the EDR plan; but people expressed
15 frustration that I wasn't clearer about that.

16 So now I do deliberately make sure people
17 know that the laws don't apply to us by statute but
18 that they do apply to us through the EDR plan.

19 Q When did you start making that clear?

20 A After my training at the D.C. Circuit.

21 Q When was that?

22 A December of 2018.

1 Q Okay.

2 A I think I used to say it quickly but not
3 like a lot a detail, but I always said it quickly.

4 But now I say it more deliberately.

5 Q Do you think that the judiciary
6 understands that those laws don't apply?

7 A Yes -- well, how can I speak for the
8 entire judiciary?

9 I know that some people do, and some
10 people don't.

11 MS. WARREN: Let's mark this as 46.

12 (Langley Deposition Exhibit No. 46
13 was marked for identification.)

14 BY MS. WARREN:

15 Q I'm handing you what has been marked as
16 46. This is the testimony of Judges Margaret McKeown
17 and Julie Robinson on March 17th of 2022.

18 Would you turn to page three, please?

19 A (Witness complies.)

20 Q You will see that it says judiciary
21 employees are protected by at least 10 employment
22 laws and policies. Is that correct?

1 A Is that what it says?

2 Q Is that what it says?

3 A Yes.

4 Q Do you think that statement is correct?

5 A I think it doesn't make clear that you're
6 not protected by the statutory material, as opposed
7 to being protected by binding judicial conference
8 policy; but you are protected by binding judicial
9 conference which adopts the substance of these laws.
10 So, I wouldn't say it's incorrect.

11 Q Would you say it's incomplete?

12 A No. I wouldn't characterize it like
13 that. Whatever I just said is what I would say.

14 Q So it doesn't accurately explain --

15 A I didn't --

16 Q -- the --

17 A -- say that.

18 Q Would you say that this is accurate?

19 A I wouldn't say it's inaccurate.

20 Q I guess I'm wondering what you would say,
21 then, because the opposite of inaccurate is accurate?

22 MS. McMAHON: Objection. Form.

1 MS. YOUNG: Objection.

2 THE WITNESS: I feel like I've answered
3 this question, and I don't have anything more to say
4 about it.

5 BY MS. WARREN:

6 Q Well, I'm asking you if this is accurate,
7 and I don't think you have answered that question.

8 You've said --

9 A I think I have.

10 MS. McMAHON: Objection. Asked and
11 answered.

12 BY MS. WARREN:

13 Q How would you characterize this?

14 A I don't have any other characterization
15 of it.

16 Q Is this what you would tell people?

17 A I don't know. I'm not writing it.

18 Q That's not my question.

19 Is this what you would tell people?

20 A Sometimes, yes. Sometimes, no. It
21 depends on the audience. It depends on the context.

22 Q After your training in December of 2018,

1 is this what you would tell people?

2 A Sometimes, yes. Sometimes, no. It
3 depends on the context.

4 Q And what about the context would depend?

5 A Are they attorneys who are really
6 listening, not attorneys who are listing?

7 Q Why would that matter?

8 A Non-attorneys tend to not need the legal
9 details. They just need to know what the protections
10 are.

11 Q What about attorneys?

12 A They might be more interested. They
13 might not be more interested.

14 MS. WARREN: Okay. Exhibit 47.

15 (Langley Deposition Exhibit No. 47
16 was marked for identification.)

17 BY MS. WARREN:

18 Q I'm handing you what has been marked as
19 Exhibit 47.

20 Do you recognize this?

21 A I do.

22 Q What is it?

1 A It's the press release that they put out
2 when I was named.

3 Q It says in the fourth paragraph that you
4 have developed a nationally recognized training
5 program on EDR laws.

6 I'm going to come back to the training
7 program, but I'm curious what "EDR laws" means?

8 A Those are the laws that the federal
9 judicial conference said we will voluntarily comply
10 with the substance of in judicial conference policy.

11 Q So that refers to the list that was in
12 Exhibit 46?

13 A It does. Yes.

14 Q What is your role in the judiciary now?

15 A I'm the Circuit Director of Workplace
16 Relations for the 10th Circuit and the Eighth Circuit.

17 Q When you were the circuit director of the
18 10th Circuit of workplace relations for the
19 10th Circuit in 2018, you described that role as an
20 add-on, sort of a voluntary responsibility that you
21 assumed?

22 A I don't know how well the -- it was my

1 job title. I was still acting as -- I was still
2 doing staff attorney work. So, again, it would be
3 doing the tasks, as needed.

4 Q In 2018 in June when you became the
5 workplace --

6 A August.

7 Q August?

8 A August to September.

9 Q Prior to becoming judicial integrity
10 officer, was your compensation changed when you
11 assumed that role?

12 A No.

13 Q Now after your time as the judicial
14 integrity officer as Circuit Director of Workplace
15 Relations for the Eighth and 10th Circuits, is that
16 an independent job separate from a staff attorney?

17 A Yes.

18 Q And what is that job?

19 A The Circuit Director of Workplace
20 Relations is given responsibility in the model EDR
21 plan to provide confidential, informal advice
22 whenever an employee wants to ask questions about

1 either the protections in the EDR plan or the EDR
2 processes or alternatives to resolving workplace
3 conduct issues outside of the EDR options; to assist
4 employees in knowing how to find the plan; how to --
5 what the forms are; what the informal options are;
6 what the formal options are to provide training to
7 all of the employees in the circuits but also to
8 provide that training to managers and unit executives
9 and to judges and to answer questions of all
10 judiciary employees -- managers, human resources,
11 judges -- about the protections in the Employment
12 Dispute Resolution plan and about the processes in
13 the EDR plan.

14 Q So that is now an independent role that
15 is compensated separately.

16 A Yes. That is true.

17 Q Do you know when that became an
18 independent role that was compensated separately?

19 A I think it evolved throughout 2019. It
20 was a very new concept, and so each circuit on its
21 own chose whether or not they thought -- it was a
22 very novel concept and so different circuits at

1 different times recognized the benefits of having
2 that position.

3 And we are now -- all of the circuits now
4 have a Circuit Director of Workplace Relations, but
5 that was about a two- or three-year evolutionary
6 process.

7 MS. WARREN: Okay.

8 (Langley Deposition Exhibit No. 48
9 was marked for identification.)

10 BY MS. WARREN:

11 Q I think you just testified that all the
12 circuits now have directors of workplace relations.

13 I've handed you a list of the directors
14 of workplace relations context by circuit. Do all of
15 them have a director of workplace relations?

16 A They do.

17 Q Would you look at the list?

18 A They do.

19 The Fourth Circuit has hired somebody. I
20 don't know their name, but they do have someone.

21 Q And who is the -- you don't know their
22 name?

1 A That's right. I just know they have been
2 hired and they are starting in May.

3 Q Do you know when they were hired?

4 A I don't.

5 Q So they don't currently have someone in
6 place?

7 A That's true, other than she is starting
8 in may, which is next month or next week.

9 And they had someone that just --

10 Q Do you who they had?

11 A Yes. Geetha -- G-E-E-T-H-A -- Ravindra
12 -- R-A-V-I-N-D-R-A.

13 Q How long did Geetha serve?

14 A I would be guessing. I want to say two
15 years.

16 Q When did their time end?

17 A I don't remember the specifics because I
18 haven't paid attention. I can't tell you specifically.

19 Q So you don't know how long the position
20 has been vacant in the Fourth Circuit?

21 A I think a few months --

22 Q Okay.

1 A -- three, four months.

2 Q Is there anything else that your current
3 job as the Circuit Director of Workplace Relations
4 entails that you didn't tell me already?

5 A I do training in all the courts.

6 I do advising.

7 I'm trying to think of what I didn't tell
8 you.

9 The circuit directors have a -- we're an
10 advisory group. All the circuit groups are an A.O.
11 advisory group; so, I'm part of that.

12 I provide information to the 10th Circuit
13 workplace conduct working group about workplace
14 conduct matters.

15 That workplace conduct working group
16 authorized the formation of a law clerk advisory
17 group within the 10th Circuit. So, I coordinated to
18 create that where we have a representative law clerk
19 from all of the district -- most of -- I shouldn't
20 say all of but most of the district courts and
21 bankruptcy courts and the Court of Appeals in the
22 10th Circuit. And we meet monthly with just

1 primarily term law clerks and some career law clerks
2 to understand their perspectives on what it's like,
3 workplace conduct issues as a law clerk.

4 That's all I can think of. I can't tell
5 if I'm leaving something out, but that's what I'm
6 thinking of right now.

7 Q In your role as judicial integrity
8 officer, I think we talked about how it was created
9 and how you understood it applied.

10 What did you actually do from January
11 of 2019 to -- when did you leave the role?

12 MS. McMAHON: Objection.

13 MS. YOUNG: Objection. Form.

14 MS. WARREN: You may answer.

15 THE WITNESS: I can't remember when I
16 stopped. February of 2021. That's right. This has
17 been -- days kind of meld especially with COVID.

18 I'm sorry. What was the question? I'm
19 sorry.

20 BY MS. WARREN:

21 Q What did you do as the judicial integrity
22 officer?

1 A So, this could take like an hour.

2 So I was on the EDR working group at the
3 time. So, one of my functions was to remain on that
4 and help drafting and being part of that program.

5 It was taking calls and emails from
6 -- throughout the judiciary on questions that people
7 had about the employment protections in the EDR plan
8 and the EDR process.

9 It was working with the Federal Judicial
10 Center on improving some of their training on
11 workplace conduct and sexual harassment.

12 It was attending judicial conferences,
13 H.R. conferences, other judiciary conferences to
14 educate them about the existence of this new job
15 title, to encourage circuits to create circuit
16 directors of workplace relations and why I thought it
17 was a beneficial position for the courts to have, to
18 try to develop -- not try to -- to develop training
19 that I could send EDR coordinators throughout the
20 country for them to provide training in their courts.

21 That's all I can think of now.

22 Q Did you have any staff?

1 A No.

2 Q Did you -- who were you supervised by?

3 A By the director of the administrative
4 office James Duff -- D-U-F-F.

5 Q So the judicial integrity office was just
6 you?

7 A Yes.

8 Q Why did you resign from the position?

9 A So, I missed Colorado. I never wanted to
10 stay in the District of Columbia. In fact, I always
11 commuted.

12 They were going to now fill the
13 10th Circuit Director of Workplace Relations so that
14 they would have someone there full time, and I
15 realized that I really wanted to go home and do that
16 job.

17 The judicial integrity officer had become
18 a little bit of a political target which I did not
19 want to be part of.

20 I also thought circuit directors can be
21 more hands-on involved in actually addressing issues,
22 whereas the judicial integrity officer is a little

1 more of a top-level referral to the local courts; and
2 I like being actually in the weeds trying to help.

3 Q Are there any other reasons?

4 A That's all I can think of.

5 Q What do you mean that the judicial
6 integrity officer became a political target?

7 A People were commenting on things in a
8 more political way that is not -- I'm not a political
9 animal.

10 Q You prefer Colorado.

11 A And I prefer Colorado.

12 Q What people were commenting?

13 A You were.

14 That's all I can think of.

15 No. There is something else, too.

16 I don't know. My brain is not
17 remembering right now, but there was something else.
18 I just can't think of what.

19 Q Are you saying that my testimony made
20 you --

21 A Yes.

22 Q -- was part of your resignation?

1 A Oh, yeah.

2 Q Was there anything else that was part of
3 a political target?

4 A I literally right now have a brain fog,
5 and I can't think.

6 It wasn't the primary. It was just part
7 of the reasoning as that was part of it.

8 Q Were you involved at all in the job
9 search for your replacement of the judicial integrity
10 officer?

11 A Yes.

12 Q What did that search entail?

13 A I was given a list of -- the A.O. H.R.
14 people had whittled down the applicants to some
15 number of people, and I was part of an interview
16 panel that interviewed, I recall, three people we
17 interviewed and then make recommendations to the next
18 level.

19 Q Who did you interview?

20 A Well, I know we interviewed Michael
21 Henry, and I don't remember the names of the other
22 two people at all.

1 Q Do you remember their qualifications?

2 A I remember that one was an inspector
3 general for NASA. That was his background.

4 I remember that the other person had
5 something to do with representing as an attorney, I
6 believe, unions in Ohio.

7 Q Do you remember how big the applicant
8 pool was?

9 A I have no idea.

10 I only know the people that were whittled
11 down for the interview panel.

12 Q What qualifications did you think were
13 important for the job having served in it yourself?

14 A Understanding employment law; I also
15 think because the job had become very political
16 facing, someone that had had experience interacting
17 with Congress; somebody who was articulate and able
18 to be a good communicator.

19 Q Do you think that the current judicial
20 integrity officer has those qualifications?

21 A Yes.

22 Q Were you in favor of hiring the current

1 judicial integrity officer?

2 A He was one of the three -- I don't
3 remember how many people we put forward, but he was
4 in the pool that was put forward.

5 Q Did you recommend him?

6 A I just remember he was part of the pool
7 that we put forward.

8 Q Do you remember what about him made you
9 think he understood employment laws?

10 A He had been involved with an Olympic
11 organization called Safe Sport where Olympic athletes
12 -- and that includes people all the way up from like
13 eighth grade on who are in like whatever you do for
14 the Olympics at a very young age -- as people that
15 they could report sexual harassment and other
16 potential conduct issues as an Olympic athlete.

17 Q Did you know anything about his training?

18 A No, I didn't. No. Or if I did, I don't
19 remember it now.

20 Q Did you know if he had been an attorney
21 representing anyone?

22 A So, his resumé said J.D., which I did

1 interpret to mean that he was an attorney; but I
2 later learned he had not ever taken a bar.

3 MS. WARREN: Are you okay to go for a
4 little more, or how are you doing on a break.

5 THE WITNESS: Okay. I mean, would want a
6 break soon.

7 MS. WARREN: This a good time for a
8 break.

9 (There was a break taken from
10 10:24 a.m. to 10:33 a.m.)

11 MS. WARREN: All right.

12 BY MS. WARREN:

13 Q Ms. Langley, other than the training that
14 you described early on at some point in the
15 mid-aughts as you were becoming the EDR coordinator,
16 I think you said you've attended conferences within
17 the circuit.

18 Have you gotten any other trainings that
19 you have received for your role as the circuit
20 director of workplace conduct?

21 A It's the Circuit Director of Workplace
22 Relations.

1 Q Sorry.

2 A I attended a training for the Ninth
3 Circuit EDR coordinator, so I was an audience member
4 in that, although also a panelist.

5 And it wasn't just conferences in the
6 circuit. It was conferences throughout the country,
7 but I guess I can't think of anything offhand.

8 Q So those conferences throughout the
9 country, are they judiciary conferences or outside
10 conferences?

11 A Judiciary conferences.

12 Q Tell me about the trainings that you have
13 conducted in the judiciary.

14 A What do you want to know about it?

15 Q What trainings have you conducted in the
16 judiciary?

17 A So in the 10th Circuit and
18 Eighth Circuit, when a Court asks me to provide the
19 training -- they can provide it themselves, if they
20 want -- I work with them to discuss do we want to
21 just have employees; employees and managers;
22 employees, managers, and judges. Sometimes they

1 combine them all in one. Sometimes we do three
2 separate.

3 And I provide training on judiciary's
4 standards of workplace conduct, what are our
5 standards of how we should treat each other and be
6 treated and what are the EDR plan employment
7 protections and what are the processes, informal and
8 formal, in the EDR plan or outside the EDR if the
9 employee experiences or witnesses or becomes aware of
10 conduct that falls below our standards of conduct.

11 Q When did you first provide a training on
12 behalf of the judiciary?

13 A It was back when I was an EDR coordinator
14 at the 10th Circuit. I would have annually provided
15 training in our Court of Appeals only.

16 When we adopted the 2010 new EDR plan --
17 and all of the courts in our circuit adopted it -- I
18 went around and provided a training in each of the
19 courts in the 10th Circuit on what the EDR plan was,
20 what the changes were to all of those courts.

21 Q How did you develop that training?

22 A By reading the EDR plan and understanding

1 it and putting together PowerPoint slides.

2 Q Did you consult with anyone on that?

3 A Not that I remember.

4 Q Did you develop any other trainings?

5 A I don't know what you mean.

6 Q Have you developed any other trainings
7 that you've provided within your role as the
8 judiciary --

9 A I have not provided training outside of
10 EDR topics.

11 Q I'm just trying to understand what all of
12 the trainings within the EDR topics are that you've
13 developed.

14 A I can't think of any other than what I've
15 told you: What are our standards of conduct, how do
16 we treat each other, how should we be treated in
17 terms of workplace conduct, what are the employment
18 protections that are in the EDR plan, what do we mean
19 by wrongful conduct. I tend to give examples of some
20 of the most common types of wrongful conduct.

21 When I do manager training, I tend to
22 focus on what are best practices for dealing with

1 allegations of wrongful conduct.

2 But it's always -- all of the trainings
3 that I provide are related to those topics.

4 Q How many times would you say you've given
5 a training?

6 A A thousand.

7 For example -- and this is just an
8 example -- two weeks ago I did training in one of our
9 District Courts. I did five trainings a day over
10 three days, so that's 15 right there in a week.

11 Q How many different sets of training
12 materials have you developed, would you say?

13 A Well, it would depend on how you define
14 it. Every time I go, I have a standard set that I
15 every single time I do a training I look at and
16 tinker with.

17 So over the course of four years today's
18 might look different. The way I prioritize things
19 might look different, the emphasis I give things.
20 Sometimes if I'm in person, I do scenarios. So I do
21 a different -- some degree of difference almost every
22 time.

1 Now, they might look 99 percent the same
2 within a six-month period; but they always evolved
3 and are always tailored to that court.

4 So, for example, every court I go into
5 will have a slide identifying who that Court's EDR
6 coordinators are; so, that's tailored.

7 Every court I go into will have a picture
8 of their EDR plan. Sometimes I put a slide that
9 shows them where on their web site they could find
10 the EDR plan.

11 So I try to tailor it both to the court.
12 I tailor it to the audience that I know is going to
13 be there.

14 So there is always -- I mean, I literally
15 have a different PowerPoint for every court and every
16 audience that I talk to.

17 Q In those thousand-plus trainings, who
18 have you trained in terms of the categories of
19 people?

20 A So, employees, managers and unit
21 executives, judges, H.R. people.

22 Q Do you think that everyone in the

1 judiciary has received training on the EDR policy?

2 A I can't imagine anything is 100 percent,
3 but I know that it's offered.

4 Q Was that a priority for you as the
5 judicial integrity officer?

6 A Yes.

7 Q Did you work hard to accomplish that
8 goal?

9 A Yes.

10 Q What did you do?

11 A Well, first, developing my training
12 suggestions and then making it available. I posted
13 it on the JNET so that anyone could copy it and use
14 it as a foundation to improve it or whatever, but at
15 least you had something to work from.

16 I invited people to listen to my training
17 to see if they could -- particularly new circuit
18 directors -- to listen in on how I do training. We
19 now all learn from each other and here each other's
20 and improve that way.

21 The revised model plan that we changed in
22 2019 requires that the training be held annually, be

1 offered annually, whereas the older EDR plan just
2 said provide training but didn't have that annual
3 requirement.

4 Q Is the training mandatory?

5 A It's not mandatory that people attend.
6 It's mandatory that it be offered.

7 Many of the courts that I do provide the
8 training in -- each Court makes it's own rules, but
9 many of the courts do on their own require their
10 mandatory attendance; but that's a court-by-court
11 decision.

12 Q Have you ever consulted with people in
13 other kinds of workplaces about how they handle
14 issues of workplace misconduct?

15 A No. I have read things, but I haven't
16 ever had like a consultation with others.

17 I pay attention to those kind of topics.
18 I read those kind of topics in different forums but
19 not that I have actually consulted.

20 Q What have you read?

21 A Oh, anything on the Internet, books -- I
22 don't know -- all kinds of thing. I mean, everything

1 that you come across, I couldn't possibly name what.

2 Q Are there any specialized list serves
3 that you read or follow?

4 A I wouldn't even know what a list serve
5 is; so, no.

6 Q Have you ever spoken with employees or
7 people involved with judiciary systems in other
8 countries who are working on issues of workplace
9 harassment?

10 A No.

11 Q Are you aware of any other countries
12 working on issues of workplace harassment in the
13 judiciary?

14 A It's not something I've ever paid
15 attention to; so, no.

16 Q So, I think turning to your trainings
17 that you've developed, do court decisions provide the
18 definitions and standards that the judiciary applies
19 through the EDR?

20 A Oh, you are really going to have to start
21 that one over again.

22 Q Where did the definitions and standards

1 that the judiciary applies through its EDR plan come
2 from?

3 A What definitions?

4 Q Does the EDR plan have definitions of
5 workplace harassment?

6 A Yes.

7 Q Discrimination?

8 A Yes.

9 Q Where do those definitions come from?

10 A They are grounded in the employment laws
11 that we mirror.

12 Q Do you think that it's important that
13 people be trained before they participate as an EDR
14 investigator?

15 A Yes.

16 Q Are you aware if the EDR investigator in
17 this case was trained?

18 A I don't know anything about the
19 investigator in this case.

20 Q Do you think it's important that
21 mediators be trained?

22 A Yes.

1 Q Are you aware that the mediator in this
2 case was not trained?

3 A I'm not aware of anything about the
4 mediator in this case.

5 Q Is there mandatory training for people
6 who actually are participating in administering the
7 EDR process, or is that also court by court?

8 A The new model EDR plan adopted in 2019
9 has a training and certification program that I
10 created and now it's -- one of the statements in the
11 model EDR plan is that to be designated as an EDR
12 coordinator, you have to go through the training
13 course.

14 Q Why did you think that was important?

15 A Because I think EDR coordinators need to
16 understand what their role is and what their
17 responsibilities are and understand, have some
18 familiarity with what they're doing.

19 Q But prior to 2019, that did not exist?

20 A That's true.

21 Q When did you first hear about
22 Ms. Strickland?

1 A February of 2019.

2 Q How did you hear about her?

3 A So, I don't have a memory of whether it
4 was a phone call or an email, but I heard from
5 someone who had worked with her. I only remember his
6 first name was Michael, but he had worked with her
7 when she was a Supreme Court fellow.

8 And as I say, I don't remember whether it
9 was a phone call, an email; but I just remember him
10 saying that he was -- he knew her. She was involved
11 in some EDR matter and was concerned about how it was
12 being handled and could she talk to me to understand
13 my perspective on the EDR process.

14 MS. WARREN: Okay.

15 (Langley Deposition Exhibit No. 49
16 was marked for identification.)

17 BY MS. WARREN:

18 Q Do you recognize this email?

19 A Just give me a second to take a look at
20 it.

21 Q Go ahead.

22 A I'm sorry. What did you ask me about it

1 now?

2 Q So I handed it to you. I didn't ask you
3 a question yet.

4 A Okay. Thank you. I couldn't remember
5 it; so, that's good. That will explain why.

6 Q It looks like -- turning to what's 2193
7 at the bottom, it looks like Michael Shenkman reached
8 out to you on February 7th of 2019; is that right?

9 A That's what I read.

10 Q And it seems from the email that you
11 spoke on the phone first.

12 A It does. It does indicate that.

13 Q Would have you taken notes on that call?

14 A I have no idea.

15 Q Do you remember what he said on the
16 phone?

17 A Not specifically, no.

18 Q Turning to page 3922 at the top in an
19 email that you wrote to Ms. Strickland that day, you
20 say, "My role is neutral, but that means I will
21 always give my best assistance and advice to whomever
22 seeks it."

1 What did you mean by your role is
2 neutral?

3 A So, EDR coordinators, circuit court
4 directors of workplace relations, and the Office of
5 Judicial Integrity always are -- we don't advocate
6 for one party.

7 We are advocates to make sure whomever
8 wants our information understands the process and
9 understands the EDR plan.

10 So, managers can call. Employees can
11 call. I always make that clear that I'm not like an
12 attorney advocate or a labor rep type kind of person.

13 Q Are you sort of like an ethics hotline?

14 A That's not a characterization I've ever
15 used before. No. We are literally there to make
16 sure people know the EDR plan. Here is what it says.
17 Here is a copy of it. Here is the forms.

18 Q When you say you will always give my best
19 assistance and advice to whomever seeks it, did
20 anyone ever call in and say, "I think I've harassed
21 someone"?

22 A No.

1 Q Did you ever think about what you would
2 do if someone called in and said that?

3 A No. I never thought of that before you
4 just asked.

5 Q Do you think you would have been neutral?

6 A Neutral is helping people understand
7 their rights and obligations; so, it would be what
8 are they wanting to know.

9 Q It looks like through these emails you
10 set up the meeting with Caryn.

11 A It does look like that.

12 Q Did she provide you with any materials in
13 advance?

14 A It says so; so, she must have.

15 Q Do you remember what she sent to you?

16 A No. I mean, I think it says I -- I know
17 -- I do remember she was in the mediation stage, my
18 guess is she sent me the request for mediation. I
19 just don't have an independent memory today of what
20 she sent me.

21 Q Do you know which plan applied to her
22 claim?

1 A My belief it was certainly the -- it was
2 2018, so it has to have been the 2018 Fourth Circuit
3 Court of Appeals EDR plan.

4 (Beam Deposition Exhibit No. 15, as
5 previously designated, was identified
6 for the record.)

7 BY MS. WARREN:

8 Q This has been previously marked as
9 Exhibit 15 in Heather Mead's deposition.

10 A Okay.

11 (Beam Deposition Exhibit No. 16, as
12 previously designated, was identified
13 for the record.)

14 BY MS. WARREN:

15 Q I have one more that has been previously
16 marked as Exhibit 16.

17 So these are just the 2013 and 2018
18 plans. So looking at the dates on these two plans,
19 on what's marked as Exhibit 15 that's January of
20 2013; is that right?

21 A Yes, it is.

22 Q And 16 is marked as November of 2018?

1 A Yes, it is.

2 Q So if Caryn filed a claim -- filed a
3 request for counseling and mediation in September
4 of 2018, which plan would control?

5 A In my opinion -- if she filed it in
6 September of 2018, in my opinion, the January of 2013
7 plan would control.

8 Q How was the January of 2013 plan supposed
9 to work when someone filed a claim under chapter 10?

10 And you can review it, if you want.

11 A An employee would -- under chapter 10, an
12 employee would start -- a claim would start by filing
13 a request for counseling, and they would file a
14 request for mediation.

15 Then when those two stages' prerequisites
16 were completed, they would have their right to file a
17 complaint.

18 Q Under the 2013 plan, counseling and
19 mediation were required before a formal complaint?

20 A Yes.

21 Q And could you do counseling and mediation
22 at the same time?

1 A The plan did not envision that.

2 The plan envisioned you would start with
3 a counseling period. It would last for 30 days.

4 When that counseling period ended, the
5 employee had the right to then file a request for
6 mediation. That was three days.

7 When that period concluded, the employee
8 that had the right to file an EDR complaint.

9 Q Was the process different in the
10 November 2018 plan?

11 A Not to my recollection, no.

12 Q Is the process different now?

13 A Yes.

14 Q What is the process now?

15 A We have eliminated almost all of the
16 prerequisites to filing a complaint.

17 So now with the exception of one type of
18 EDR protection called abusive conduct -- which was a
19 protection added in the 2019 model EDR plan -- anyone
20 can immediately file a complaint.

21 The other change that we made in the
22 model -- 2019 model EDR plan is an informal option.

1 If people -- let me back up.

2 A formal complaint means you have the
3 right to have a federal judge hear and decide your
4 allegations that your rights under the EDR plan were
5 violated.

6 People expressed a concern that that
7 sometimes was actually a barrier to reporting. It
8 seemed too litigious. It seemed too formal.

9 Sometimes people wanted to resolve an
10 issue more informally and not necessarily involve the
11 judge, so we added assisted resolution as another new
12 option that people have.

13 And of course, you never too need to use
14 EDR to solve a problem. You can always solve it
15 however you want to solve it. Those are additional
16 options.

17 Q What is the difference between chapter 9
18 and chapter 10 under the 2019 EDR plan?

19 A Chapter 9 is not a process. Chapter 9
20 says we encourage you to report wrongful conduct.
21 Don't wait. Don't. You know, let us know whenever
22 you experience wrongful conduct or whenever you

1 become aware of it.

2 The other purpose of chapter 9 is to say
3 let's be sure that the people who can address that
4 concern are notified of that information.

5 So it obligates whomever hears this
6 information to be sure that the EDR coordinator knows
7 and to be sure the EDR coordinator let's the people
8 who have the power to make corrective action,
9 remedial action know about it. That's all chapter 9
10 is, is essentially an encouraging of employees to
11 report any concerns that they have --

12 Q And so does -- go ahead.

13 A Whereas chapter 10 is now a claims
14 process, how do you seek in a procedural manner
15 remedies.

16 Q So does chapter 9 not involve any
17 investigation?

18 MS. McMAHON: Objection. Unclear
19 question.

20 THE WITNESS: Chapter 9 says that when
21 the information gets to the decision-makers -- the
22 people who are the heads of their offices, the unit

1 executives, or the judge -- it says they can take
2 appropriate action including an investigation.

3 So, I don't know. I don't remember
4 specifically what you asked.

5 I think you said does it not include an
6 investigation, and I don't think that's accurate.

7 I think it certainly anticipates the
8 possibility that there could be investigations.

9 BY MS. WARREN:

10 Q So chapter 9 anticipates the possibility
11 that there could be an investigation?

12 A Well, to be clear, I will stop; and I'll
13 read it into the record.

14 So I am reading from what is marked as
15 Beam 16, the November 2018 EDR Plan for the Fourth
16 Circuit Court of Appeals; and I am on the plan page 7
17 which is marked 3560 at the bottom with a bunch of
18 numbers at the beginning.

19 Paragraph -- one, two -- three of chapter
20 nine says that the chief judge -- this is the second
21 sentence of that paragraph says: The chief judge
22 and/or unit executive shall ensure that the

1 allegations in the report are appropriately
2 investigated, either by the human resources manager
3 or other person.

4 Q Is chapter 9 meant to quickly bring a
5 stop to the harassment?

6 A It's what it says it is. It's meant to
7 encourage employees to report it and to make sure
8 that the information gets to the decision-makers.

9 Beyond that, I don't want to speculate as
10 to what its intent is because it's just it is what it
11 says it is.

12 MS. WARREN: Let's mark this, please.

13 (Langley Deposition Exhibit No. 50

14 was marked for identification.)

15 BY MS. WARREN:

16 Q Do you recognize this?

17 A I recognize the first three pages. I
18 have not remembered all of the attachments.

19 Q What is this document?

20 A This is a declaration that I submitted in
21 this case in September of 2020.

22 Q I think that in this plan or -- so

1 sorry -- in this declaration, you are talking about
2 the 2018 EDR plan; is that correct?

3 A Let me read through it, but I believe so.

4 Yes. It says there in paragraph five
5 under the model EDR plan in effect in 2018; so, yes.

6 Q And if Caryn filed her request in
7 September, that would not be the plan that applied.

8 A There are only two differences that I'm
9 aware of between the January -- the 2013 plan and the
10 2018 plan, and so I can't quite say that's not -- yes.

11 She would have been governed by the plan
12 in effect in 2018. Whether it was in effect from
13 January through November, it's still 2018.

14 Q So if she --

15 A And none of the changes were process
16 changes. The changes in the two plans were to extend
17 the deadline to file a complaint and to add
18 protections to unpaid interns and externs. Those are
19 the only two changes.

20 So, yes, she was governed by a 2018 plan.

21 Q So, if she filed her complaint in
22 September, it would have shifted to the November 2018

1 plan?

2 A So, I would call -- it says, "in effect
3 in 2018."

4 So, Exhibit 15 was in effect from January
5 through November, and then this was in effect from
6 November through the end of the year; and either one
7 of them at whatever point in time is relevant would
8 have been in effect in 2018, as opposed to the 2019
9 model EDR plan that was adopted a year later.

10 Q I'm just trying to understand.

11 Would both of them have applied to her
12 claim at different times, or would the 2013 plan have
13 been applied the whole time?

14 A If there was a dispute about that
15 question, in my opinion, the presiding judicial
16 officer of the matter would make that determination.

17 If you're asking my opinion --

18 Q Yes.

19 A -- that it would not shift if she would
20 stay in -- the plan in effect when she filed would
21 remain in effect throughout the course of her
22 procedure, her process; but the process didn't

1 change.

2 The only thing I can think of that would
3 have impacted her or anyone would have been the
4 change in the deadline to file it.

5 But once she filed it, which is what
6 triggers what is in effect when you file it, that's
7 kind of now a moot question because you've filed it.

8 Q Looking at page 2 of your declaration --
9 well, actually, it starts on page 1, in paragraph 5
10 -- you say in that last sentence that begins at the
11 bottom what you are talking about is the wrongful
12 conduct provisions, which I understand to mean
13 chapter 9; is that right?

14 A Yes. I agree.

15 Q So chapter nine is simply filing a report
16 of misconduct which then prompts the appropriate unit
17 executive or chief judge to appropriately investigate
18 whether the alleged individuals engaged in misconduct
19 and determine whether a personnel or disciplinary
20 action is warranted. Is that right?

21 A Yes.

22 Q So what you are saying is they may or may

1 not investigator under chapter nine?

2 A It says appropriate. Right?

3 So it's going to depend on the facts. I
4 would think the vast majority of situations you're
5 going to need to educate yourself.

6 Whether you call that an investigation or
7 you call that educating yourself or you call it an
8 inquiry, you're going to want to know all the
9 information you need to know.

10 Q Tell me about chapter 10. What is
11 chapter -- how was chapter 10 supposed to work in
12 this plan?

13 A I know I answered this a few minutes ago
14 where I said you first file a request for counseling;
15 and then when that 30 days is up and you have gotten
16 all the information you want from your EDR
17 coordinator, then you have the right as an employee
18 to file a request for mediation; and then when that
19 mediation stage is completed you have the right to
20 file an EDR complaint.

21 Q In any of those phases, are you entitled
22 to an investigation?

1 A I have to take a look at the plan.

2 Q Please do.

3 A The short answer is you are entitled
4 to -- let me just read to you what it says. That
5 would be easier.

6 Q I think it's Beam 15.

7 A I'm referring to Beam Exhibit 15. I'm on
8 the plan page 14 but your page -- can I just read the
9 last four numbers -- 4552.

10 Q Yes.

11 A So I'm in chapter 10, section 10-B-2:
12 The presiding judicial officer may provide for such
13 discovery and investigation as is necessary.

14 Q So, the officer has the right to
15 determine what's necessary?

16 A That's correct.

17 Q So an employee does not have a right to
18 an investigation under that provision.

19 A I'm just going to read what it says, and
20 I'm not comfortable going beyond that. That's what
21 it says.

22 Q It doesn't say that the employee has a

1 right to an investigation, does it?

2 MS. McMAHON: Objection. Form.

3 MS. YOUNG: Objection.

4 THE WITNESS: It says that they may
5 provide for such discovery and investigation as is
6 necessary; so, I would think they have the right to
7 that sentence.

8 BY MS. WARREN:

9 Q I think you also said in your declaration
10 which is what we have marked as Exhibit 50, in
11 paragraph 7 that a complainant could request an
12 investigative report during the formal complaint
13 stage. Is that right?

14 A Yes. It's my belief and experience that
15 in an EDR complaint stage employees tell the
16 presiding judicial officer what information they need
17 or they believe the presiding judicial officer needs
18 in order to rule on their EDR complaint.

19 And so they have -- in my experience --
20 and back somewhere it also says they have the right
21 to present evidence and to cross-examine witnesses,
22 and this is part of the right to say, "I think you

1 should know this information."

2 But ultimately, it's up to the presiding
3 judicial officer to decide what information they
4 believe is relevant and material.

5 Q So, the presiding judicial officer gets
6 to determine the scope of discovery.

7 A I think that's a fair characterization of
8 it. Yes.

9 Q And the presiding judicial officer gets
10 to determine the scope of the hearing --

11 A Yes.

12 Q -- and the ability to call witnesses?

13 A Yes. There is language that says you
14 have the right to tell what witnesses you want.

15 But yes, my opinion is that the presiding
16 judicial officer has the right/discretion to say that
17 is or isn't a relevant witness.

18 Q So there is no right at any -- scratch
19 that.

20 Is there a right to call witnesses in
21 chapter 10?

22 A Rather than try to he extrapolate, I'm

1 just going to try to find the right provision and
2 read it.

3 So, we're actually on the same page 14,
4 which is 4552.

5 And it says in B-2-C that the complainant
6 will have right to present evidence on his or her
7 behalf and to cross-examine adverse witnesses.

8 Q But the presiding judicial officer gets
9 to determine the scope of the hearing.

10 A Yes.

11 Q So the presiding judicial officer could
12 say you cannot call this witness.

13 MS. McMAHON: Objection. It calls for
14 speculation.

15 THE WITNESS: In my opinion, the
16 presiding judicial officer determines what
17 information is relevant and necessary to address the
18 issues raised in the complaint, whatever they think
19 is material.

20 So it's not that the employee has an
21 absolute right to bring, you know, all 200 employees
22 of a in. The judge makes some judgment decision

1 about what witnesses have relevant information.

2 BY MS. WARREN:

3 Q I'm going to turn back to your
4 declaration. I'm so sorry that we are flipping, but
5 I will be between these two documents. So, we are
6 not going to jump around too much between documents
7 other than these two.

8 Looking at paragraph eight which is on
9 page two of your declaration, the first paragraph
10 is -- the first sentence or -- in eight the first
11 sentence is: The disqualification provision under
12 the model EDR plan in effect in 2018 was designed to
13 ensure that the EDR coordinator, mediator, and
14 presiding judicial officer were impartial, not that
15 the defending party was impartial.

16 Can you tell me where in the language of
17 the disqualification provision in this plan you are
18 drawing that conclusion from?

19 A I'm drawing that from my opinion in my
20 head, my understanding of how it worked.

21 Q Let's look at this provision.

22 A The disqualification provision in the

1 Beam EDR plan is part of the complaint -- part of the
2 chapter 10 complaint process.

3 And the way I always read this and
4 understood this is that people who were either a
5 factfinder or that neutral party needed to be neutral
6 and they needed to not have a bias in it. And so
7 that's my understanding of that provision is what
8 informs my declaration on paragraph 8.

9 Q So we are looking at page 10 of Beam
10 15 -- which is Bates 4548 -- in the middle of the
11 page, it says, general disqualification provision.
12 Is that the provision that we're discussing?

13 A It is.

14 Q This says a party may seek
15 disqualification of a judicial officer, employee, or
16 other person involved in a dispute by written request
17 to the chief judge. Is that right?

18 A It does say that.

19 Q Does it specify, as your declaration
20 does, that it's about the EDR coordinator, mediator,
21 and presiding judicial officer?

22 A It doesn't, but it never would have

1 occurred to me. I mean, it's impossible to -- the
2 defending party in any complaint process has a bias.
3 They are just like the complainant has a bias, the
4 defending party has a bias.

5 So it just never occurred to me to apply
6 it to anyone other than who I identified in A, which
7 is the EDR coordinator, mediator, and presiding
8 judicial officer. That's Jill Langley's
9 understanding of what that section means.

10 If somebody wants to interpret it
11 differently, they are entirely free to; but what I
12 wrote in my paragraph 8 is how I have always read and
13 understood that disqualification provision.

14 Q Do you think that someone could interpret
15 it differently based on the language of the
16 provision?

17 MS. McMAHON: Objection. It calls for
18 speculation.

19 THE WITNESS: I've been an attorney long
20 enough to know that any two human beings could
21 interpret anything different ways than I do.

22 BY MS. WARREN:

1 Q So do you think that where it says
2 "employee or other person involved in a dispute" that
3 that in any way limits it the way that you're
4 understanding does?

5 A I do believe the way I interpret it is
6 the way I interpreted it.

7 Q Has this provision been changed since the
8 2013 plan?

9 A Yes. The language is different in the
10 2019 model EDR plan.

11 Q And why is it different?

12 A I don't remember now the specifics of
13 why. I just know it's different.

14 Q Do you think that that change was to
15 clarify this issue?

16 A I don't remember now.

17 Q Is there anything that would refresh your
18 recollection on that?

19 A No. I don't think so.

20 Q And you were involved in drafting that in
21 2019?

22 A I was part of the EDR working group so

1 everybody in that room was part of making those
2 changes.

3 Q Were there meeting notes from the working
4 group?

5 A Not that I'm aware of, no.

6 Q Did you take any notes?

7 A Not that I remember, no.

8 Q So you don't have any recollection of why
9 this provision was changed?

10 A I don't.

11 Q Are you aware of any examples where a
12 judge in the Fourth Circuit in an EDR matter has
13 granted a complainant's request to remove someone as
14 a representative of a responding office and to
15 appoint a neutral representative?

16 A I have no knowledge of anything in the
17 Fourth Circuit outside of this particular matter; so,
18 no.

19 Q Are you aware that any other complainants
20 have ever asked for Tony Martinez, the appointed
21 Federal Defender for the Western District of North
22 Carolina, to be removed --

1 A No.

2 Q -- from their EDR proceeding?

3 A I'm not aware.

4 Q And you're not aware if that request has
5 ever been granted.

6 A I don't have any knowledge of it being
7 asked or denied or anything.

8 Q Are those -- does the judicial integrity
9 office keep records of EDR complaints?

10 A No.

11 Q It doesn't?

12 A No.

13 Q Is there some sort of a database --

14 A No.

15 Q -- with information about complaints?

16 A No. They are kept in each court under
17 each court's EDR plan.

18 Q Does the judicial integrity office keep
19 records of reports that are made to the judicial
20 integrity office?

21 A I kept my own records. I can't speak for
22 what Michael Henry does.

1 Q What were your records?

2 A I created working with the tech people at
3 the A.O. a private, to-me-only place where I could
4 make my own personal notes about a call.

5 Q What else were in -- did you keep
6 anything other than your notes?

7 A No.

8 (Langley Deposition Exhibit No. 51
9 was marked for identification.)

10 BY MS. WARREN:

11 Q I'm handing you what has been marked as
12 Exhibit 51. It's Bates stamped 6845.

13 What is this, Ms. Langley?

14 A This is a printout of that -- whatever
15 you would call it I just described -- what they
16 created for me on my own private drive. No one else
17 had access to it but me.

18 This is a form that I worked with to
19 create so that I could keep track of calls and
20 emails.

21 Q And did you track -- it looks like at the
22 top there is -- inquiries and reports?

1 A Hold on. I can't read any of it.

2 Q I'm sorry.

3 A It's so small.

4 Q I wish I had a magnifying glass for all
5 of us.

6 A I see the word.

7 I'm sorry. What was your question?

8 Q Does it say inquiries and reports at the
9 top?

10 A I don't see the word "report." Oh, it
11 does. I see it.

12 Q Did you have a separate reporting system?

13 A No. It's just that's whatever got
14 written by somebody or me. I don't know who.

15 Q And I think inquiry name it says 19-04.

16 A It does.

17 Q Does that mean it's the fourth inquiry in
18 2019?

19 A Yes, it does.

20 Q About how many inquiries did you get in
21 2019?

22 A Totally -- well, I take that back. I

1 have a dim memory at the end of the year of it being
2 about 100 but I'm going from -- I'm guessing.

3 Q And what about 2020?

4 A I'm guessing it was about the same.

5 Q This would have been your fourth inquiry
6 as the judicial integrity officer?

7 A Yes. Because I started in the middle of
8 January and this was like four weeks later.

9 Q As the judicial integrity officer, what
10 did you advise employees to do if they experienced
11 harassment?

12 A To report it to the people who could stop
13 it.

14 Q Did you participate in creating training
15 for the Federal Judicial Center?

16 A They had a preventing workplace
17 harassment program that I had heard given at several
18 courts that I thought was not contemporary. It was
19 like it was a video. It wasn't horrible.

20 But it wasn't tailored to the judiciary.
21 It was focused on what an employee might do in a
22 corporate setting in terms of going to H.R. So, it

1 didn't describe any of our EDR options. It didn't
2 describe EDR coordinators.

3 So I drafted and sent to -- but I don't
4 know what they ever did with it. But I sent my
5 suggestions for how they could change it, but I don't
6 think I've ever seen it come out of the FJC as them
7 having actually changed the programming.

8 (Langley Deposition Exhibit No. 52
9 was marked for identification.)

10 BY MS. WARREN:

11 Q Ms. Langley, this seems to be one of the
12 trainings from the Federal Judicial Center; is that
13 right?

14 A I don't recognize this, so I don't -- I
15 can't tell you what it is or isn't.

16 Q Okay.

17 A I don't know if it's what I drafted. I
18 don't know if it's what I drafted.

19 I mean, as I'm looking at it, I remember
20 one of the things I disliked about it was I don't
21 like to make big distinctions between quid pro quo,
22 harassment, and harassment.

1 So, I just don't remember. I just don't
2 recognize this specifically.

3 Q Why don't you like to make big
4 distinctions between quid pro quo harassment and
5 harassment?

6 A I think legally it's not a distinction
7 that's often made in Title VII anymore.

8 I don't think any employees need to know
9 Latin to understand harassment. They need to know
10 it's wrong however it happens.

11 So I don't think it's beneficial to try
12 to educate employees on legal topics. I like to keep
13 it simple and straightforward.

14 Q So, as you look at this document, you
15 don't know if they incorporated your drafts?

16 A I don't.

17 Q Do you want to take a second to look at
18 it and see if you recognize anything that you would
19 have provided?

20 A So I don't know how to answer it because
21 I don't quite know what this is, and so I don't know.

22 What I'm remembering -- it did have a

1 PowerPoint part of it and maybe this was part of it.
2 So what I'm remembering more is that there was a
3 video. So, there was a PowerPoint presentation; but
4 what stands out more is the video that went with it.

5 I don't know if this is the PowerPoint
6 that accompanied the video that I saw, although the
7 title of what I saw was "Preventing Workplace
8 Harassment" and it was put out by the Federal
9 Judicial Center.

10 Q What was the video?

11 A So it was very '80s era, seriously; and
12 it was employees in an open office setting.

13 The only scenario I remember -- but I
14 think there were two or three -- but the one that for
15 whatever reason stands out is that one of the actors
16 playing an employee had like a Buddha statue on their
17 desk and the co-worker makes fun of it.

18 I do think there was more than one
19 example. Like someone else was made fun of for
20 something.

21 And then I remember that the employee
22 goes to head of H.R., talks to H.R. about it; and

1 then H.R. talks to the manager about it, but I don't
2 remember the specifics of what they said but
3 something about we have to take this seriously or we
4 have to do something. Then there was a PowerPoint
5 presentation that went with it.

6 Q Did you watch them give this training?

7 A Yes. Three different times at three
8 different courts, I saw someone give this
9 presentation.

10 I think mostly before I became the
11 judicial integrity officer I had seen it either at
12 courts in my circuit that had invited me to come be
13 part of the training is what I think had happened.

14 Q As the judicial integrity officer, did
15 you work with the FJC on their trainings?

16 A So when I became the judicial integrity
17 officer -- yes -- I contacted different people at the
18 FJC and said, "I really think we need to update this
19 training. I think that it's visually dated. I think
20 that it's not helpful to employees to not explain the
21 EDR process. I think they need to know the judiciary
22 system, and so I wanted them to do that.

1 The quid pro quo thing I remember just
2 being bothered by if I'm a non-lawyer and I'm seeing
3 a bunch of Latin words on the screen, that doesn't
4 seem welcoming to me. It doesn't seem informative to
5 me.

6 So, those kind of tinkering-withs I know
7 I wanted to change; and I talked to different people
8 about it at different times to see if we could update
9 it.

10 Q And many of the employees of the federal
11 judiciary are not lawyers, is that right?

12 A Many of the --

13 Q Federal judiciary employees are not
14 lawyers.

15 A Right. Of course, yes. Right.

16 Q Would you say the majority are not
17 lawyers?

18 A I couldn't tell you.

19 I mean, I'm making it up, I think, yes;
20 but I don't know. But yes, I think so.

21 I mean, obviously, we are dealing with
22 legal issues. It's not like we're working at a bank

1 but --

2 Q But there are many professional staff who
3 are not attorneys.

4 A You're exactly right. And lawyers who
5 don't know employment law.

6 Q Yes. The issue of specialty.

7 I think you said you advised employees if
8 they experience harassment to report it, is that
9 right?

10 A Yes, to whomever they feel most
11 comfortable reporting it.

12 Q Do you ever tell them to try to
13 self-manage it?

14 A S, there's not -- I haven't talked about
15 that in terms of sexual harassment, but in terms of
16 if someone says something maybe offensive to you or
17 maybe verbally abusive to you, I do remember that
18 that was one of the slides I remember seeing is if
19 you want to say, "When you said that, it made me
20 uncomfortable. Please, don't say that going
21 forward."

22 But that -- so I always want to make

1 clear to people that EDR is an additional option.
2 You do what works for you. If you are comfortable
3 saying something, of course you can should. You are
4 not prohibited from doing that. You do what's
5 comfortable for you. But I tend to talk about that
6 not in sexual harassment as much as other types.

7 Q In your experiences with sexual
8 harassment, do people often discount their own
9 experiences of sexual harassment?

10 A I definitely noticed that people who
11 experience sexual harassment, discriminatory
12 harassment, even verbal abuse tend to be -- the
13 phrase I use in my training is silent sufferers.

14 They either diminish it. My experience
15 is they tend to think -- "If I say nothing, it
16 will -- the problem will stop. I don't want to make
17 a bigger deal of it," I've heard people say.

18 They haven't asked for this problem; so
19 it's very -- why do they have to have the burden of
20 solving it, and so there is a reluctance to do that.

21 I forget what your question was but --
22 yes -- I do think that's a fair characterization of

1 many victims of people who have experienced sexual
2 harassment, discriminatory harassment, and verbal
3 abuse.

4 Q Do you think that other people sometimes
5 minimize sexual harassment that they witness?

6 MS. McMAHON: Objection. It calls for
7 speculation.

8 THE WITNESS: I will have to honestly say
9 that's a hugely broad question. I mean, some people
10 yes. Some people no. I can't speak for the universe
11 of humans.

12 BY MS. WARREN:

13 Q Do you think that harassers minimize the
14 harassment?

15 A Again, you are asking incredibly broad
16 questions so I don't mean to be not answering your
17 question.

18 Q In your experience.

19 A What I would say -- here is what feels
20 like a statement that I'm comfortable saying.

21 Some harassers -- not all but some in my
22 experience -- aren't aware that their behavior is

1 unwelcome for whatever reason, as opposed to, "I'm
2 intentionally -- I don't care. I know this is
3 offensive to you, and I don't care."

4 What I have seen more often is people who
5 don't appreciate for whatever reason that their words
6 or their conduct is offensive or unwelcome.

7 Q Does intent matter in sexual harassment?

8 A In my opinion --

9 MS. McMAHON: Objection. Vague.

10 THE WITNESS: In my opinion, no.

11 My training is that part of the goal of
12 reporting it is that people may not know and that it
13 doesn't matter.

14 Now, whether it matters as a legal matter
15 I'm not getting into; but just as a reporting you
16 should report it regardless. We should address it
17 regardless.

18 BY MS. WARREN:

19 Q Do you think that it's the perception of
20 the individual who is experiencing the conduct that
21 matters?

22 MS. McMAHON: Same objection.

1 MS. WARREN: You can answer.

2 THE WITNESS: I certainly think it
3 matters. I'm not saying it's the only thing that
4 matters, but I think it's one of the things that
5 matter.

6 BY MS. WARREN:

7 Q I know you said you don't like to
8 distinguish between quid pro quo harassment and
9 harassment because it's confusing.

10 A In training -- right -- it's not a
11 helpful phrase -- you don't need to know law.

12 Q In your mind, what is quid pro quo
13 harassment?

14 A Quid pro quo harassment in my
15 understanding is when a supervisor conditions an
16 employment benefit -- or probably broader than a
17 benefit -- a personnel action on some kind of sexual
18 or romantic relationship.

19 "You have a relationship with me, and
20 you'll get this promotion," as an example.

21 Q Does the request have to be explicitly
22 sexual or romantic?

1 A I don't know the answer to that.

2 I've always thought of it as yes.

3 I can't -- I'm reluctant to say that's
4 the only categories, but I tend to think of it as
5 some kind of sexualized, romantic -- but, you know,
6 it could be that -- I will just leave it at that. I
7 don't want to say it's the only thing, but that's the
8 only thing that comes to mind is sexual, romantic
9 relationships.

10 Q Would requiring someone to stay under
11 their control be quid pro quo harassment?

12 MS. McMAHON: Objection. It calls for
13 speculation.

14 THE WITNESS: Yes. I don't even know
15 what you mean.

16 MS. WARREN: All right. This is Beam 24.

17 (Beam Deposition Exhibit No. 24, as
18 previously designated, was identified
19 for the record.)

20 BY MS. WARREN:

21 Q Ms. Langley, I'm handing you a long
22 document; but if you turn to the second page it is

1 the counselor's report in Ms. Strickland's case.

2 Have you ever seen this document?

3 A No.

4 Q Would you turn to -- at the bottom --
5 page 1260?

6 A (Witness complies.)

7 Q This is an email. It says Exhibit 2 at
8 the top.

9 A Okay.

10 Q Have you ever seen this?

11 A I have not.

12 Q Would you read this email?

13 A Okay. Just this one page.

14 Q Yes.

15 A Okay. I read it.

16 Q This is an email from J.P. Davis to Caryn
17 Devins, is that right?

18 A That's what it says.

19 Q Did Caryn ever describe receiving a quid
20 pro quo email to you?

21 A No, not that I recall.

22 Q She didn't describe -- sorry.

1 Did she describe the harassment that she
2 experienced to you?

3 A I don't remember what she described to me
4 about it, and I don't have any strong memory today of
5 the specifics of it.

6 Q You had not seen this email before?

7 A I had not. Correct.

8 Q Do you think that this email could be
9 interpreted as a quid pro quo email?

10 MS. McMAHON: Objection. Lack of
11 foundation.

12 MS. YOUNG: Objection.

13 MS. McMAHON: Objection. It calls for
14 opinion testimony.

15 MS. WARREN: You can answer.

16 THE WITNESS: I don't know even know what
17 this says. IT has no context to me.

18 MS. WARREN: Okay.

19 BY MS. WARREN:

20 Q How do you explain in your training what
21 behaviors are workplace harassment?

22 A So, remember. I do five trainings a day.

1 I don't say the same things in every one.

2 Q Yes, generally.

3 A But I ou talk about it being unwelcome
4 conduct of a sexual or romantic nature that
5 interferes in some way with your ability to do your
6 job.

7 Q And how do you describe workplace
8 harassment more broadly?

9 A So, I do -- I start with employment
10 discrimination.

11 Q How do you describe that?

12 A So employment discrimination is when an
13 employer takes a personnel action that adversely
14 impacts you in some way that is motivated, in part,
15 on what the EDR plan mirroring Title VII calls a
16 protected class or protected category -- race, color,
17 national origin, gender or sex, pregnancy, your age
18 over 40 because we are mirroring the Age
19 Discrimination in Employment Act, your religion or
20 lack of a religion, and your disability. I hope I'm
21 not forgetting any of them in there.

22 So that's when there's an actual

1 personnel action that has been taken that impacts
2 your pay or your status or something that has an
3 improper motive.

4 Then I describe discriminatory harassment
5 as an another form of discrimination which isn't
6 necessarily tied to a specific employment personnel
7 action, but it's a workplace that is unwelcoming or
8 offensive or somehow unpleasant for you, again,
9 motivated, in part, by those same protected
10 classes -- your race, the color of your skin, your
11 national origin, your gender, that you're pregnant,
12 that you're over 40, that you have a disability or
13 your religion or your lack of religion -- again.

14 And then I give some examples of what
15 that could be such as making fun of someone's accent,
16 making fun of someone's cultural practices, their
17 religious clothing that they wear, mocking someone
18 who has a disability, for example.

19 And then I have a specific set of
20 presentations on sexual harassment, and it starts
21 with unwelcome -- that someone can say to you, "Wow.
22 You look really nice," and maybe that's perfectly

1 welcome for that person and that relationship; but
2 someone could also say, "Wow. You look really good,"
3 and it's not welcome.

4 So, partly, like is this welcome or not?
5 Does the person know that what you're saying is
6 welcome or not?

7 And then I give examples of how sexual
8 harassment can be a wide range. I start with what
9 lawyers will call quid pro quo.

10 My first example that I give is a very
11 obvious example. An easily spotted example of sexual
12 harassment is when a supervisor, a manager, you know,
13 conditions some employment benefit, training
14 opportunity, or whatever on some kind of tolerating
15 participating in some kind of romantic, sexual
16 relationship -- I don't know even know if I used the
17 word relationship -- but behavior, conduct.

18 But it can be broader than that. It can
19 be lewd comments. It can be showing pornography. It
20 can be telling dirty jokes in the office or on social
21 media or on Teams messages.

22 It can be commenting on how you look or

1 how you are dressed particularly if that's not
2 welcome.

3 It can be unwelcome touching. It can be
4 giving someone a neck rub or a back rub when they
5 don't want it or it's not welcome or even a hug.

6 So part of my training is can I give you
7 a hug before we touch people, that we check to be
8 sure that's it's okay.

9 It can be unwanted pressure for dates,
10 that you can be interested in somebody but you need
11 to pay very attention to if they are not returning
12 your flirting behavior because that's uncomfortable
13 for someone who wants to stay no. They shouldn't
14 have to say no twice.

15 So, I give a range of examples. I also
16 always make sure people know it can be verbal. It
17 can be in writing. It can be inappropriate images.
18 It doesn't matter what the form of communication is.

19 And then I encourage people to let
20 someone know, whoever they are the most comfortable
21 telling, when they experience any conduct that falls
22 into those ranges of behavior.

(Langley Deposition Exhibit No. 53
was marked for identification.)

BY MS. WARREN:

Q I'm handing you Exhibit 53. It is Bates
7291. Take a moment to look at it.

A Okay. I've read it.

Q Have you ever seen this document before?

A No.

Q Do you have any idea what it is?

A I'm guessing it looks like something like
a judge-type discussion scenario only because it
seems -- but I'm guessing.

Q It gives some examples of harassment. Is
that right?

A It does.

Q Do you agree that jokes about requiring
female clerk candidates to take a pregnancy test so
there is no risk of a pregnant clerk is a sexual or
discriminatory harassment grey area?

MS. McMAHON: Objection. Lack of
foundation. Calls for speculation.

MS. YOUNG: Objection.

1 MS. WARREN: You can answer.

2 THE WITNESS: I actually had the taught
3 when I read some of these that I did not think they
4 were grey areas.

5 BY MS. WARREN:

6 Q Can you tell me which ones you don't
7 think are grey areas?

8 MS. McMAHON: Objection. Lack of
9 foundation.

10 THE WITNESS: The one to describing
11 sexual positions, I wouldn't call that a grey area.
12 That's the thought that propped in my head when.

13 BY MS. WARREN:

14 Q Asked female law clerk to describe sexual
15 positions mentioned in a case.

16 A Right. They all -- taking a pregnancy
17 test is just such an odd thing that I didn't even --
18 it was like, what?

19 Q What about, "Tells newly married female
20 law clerk that she 'belongs to someone else now'?"

21 A I didn't understand what that meant. I
22 was just like what? I don't understand that comment.

1 It just didn't -- I didn't understand it.

2 Q What about comments about the physical
3 attributes?

4 MS. McMAHON: Same objection.

5 BY MS. WARREN:

6 Q About what comments about the physical
7 attributes of female attorneys who appear before him?

8 A That didn't -- I mean, again, this is
9 just a Jill opinion. This isn't anything other than
10 me reading it.

11 But it would depend on the comment. Like
12 I could see something that might be, "Oh, what a nice
13 suit she has," that it might be fine, versus
14 something that would be grossly inappropriate.

15 Q How about "Requires female law clerks to
16 wear skirts in chambers and in court"?

17 MS. McMAHON: Same objection.

18 THE WITNESS: That does strike me as a
19 grey area because a lot of judges do think that. I
20 mean, they come from a generation where they had,
21 what I would consider, rigid rules about women versus
22 men appropriate office attire.

1 So that, to me, I do think is an example
2 of where educating anybody that people might think
3 that's inappropriate to make women dress differently
4 and show their legs.

5 I think that that is, in my opinion, an
6 example of a grey area where someone of a certain
7 generation thought it was perfectly normal,
8 unquestionably normal just to say women should wear
9 skirts.

10 I grew up in a time where I wasn't
11 allowed to wear anything but skirts in school until
12 ninth grade.

13 So, educating that person that not
14 everyone thinks that women have to show their legs in
15 order to be good attorneys is an example of a grey
16 area that someone may not have any cognizant
17 awareness that it's making women dress differently
18 than men.

19 BY MS. WARREN:

20 Q What about the next one, "Only asks
21 female clerks to make copies, get coffee, pick up his
22 dry cleaning"?

1 MS. McMAHON: Objection. Lack of
2 foundation and calls for speculation.

3 THE WITNESS: Again, to me that's a
4 potential grey area because it depends on the facts.

5 When Justice O'Connor became the first
6 Supreme Court female, because she was newest she got
7 the coffee.

8 If it's not that context, there are
9 situations in which that context could be making
10 women to be the go-to person but you're not doing it
11 to men. So I think that's a good example of,
12 depending on the facts, how offensive or inappropriate
13 it might appear or feel to that person.

14 BY MS. WARREN:

15 Q What about "Makes race-based comments
16 about someone's cultural food or accents"?

17 MS. McMAHON: Same objection.

18 THE WITNESS: Same comment really. It
19 would depend on the facts.

20 I mean, in the vast majority of
21 situations I would think that would not be
22 appropriate; but maybe saying something like, "Wow,

1 I'm really interested in your Irish culture. Tell me
2 more," might be fine. It's going to depend on the
3 facts.

4 BY MS. WARREN:

5 Q So you think context is important?

6 A I do.

7 Q What about "Tells jokes about religion or
8 race expecting clerks to laugh and tell similar jokes
9 in return"?

10 MS. McMAHON: Objection. Form. And same
11 objections.

12 THE WITNESS: I have a hard time thinking
13 how that would ever be welcome. Let's put it that
14 way.

15 That would be an example of in a training
16 I would say avoid doing this. This does not seem
17 like there is any reason to be joking.

18 But again, maybe it's something that
19 -- you can certainly theorize examples of jokes that
20 aren't hurtful or offensive.

21 BY MS. WARREN:

22 Q Are you aware of anyone ever receiving

1 this training?

2 A I don't know what --

3 MS. McMAHON: Objection. Lack of
4 foundation.

5 THE WITNESS: I don't know. I don't know
6 what this is; so, I have no idea what it is. Until
7 you handed it to me, I had never seen it before.

8 MS. WARREN: It's 11:50. Do you want to
9 take a break now and come back, or would you like
10 lunch now?

11 (At 11:50 a.m., the luncheon recess
12 was taken.)
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A F T E R N O O N P R O C E E D I N G S

(At 1:00 p.m., the deposition
proceedings resumed.)

MS. WARREN: All right.

BY MS. WARREN:

Q Earlier before lunch, Ms. Langley, I
think you said something along the lines of -- and
please, you are welcome to tell me I'm
mischaracterizing you. I'm just trying to trigger
where we were type of thing.

A Okay.

Q But I think you said something along the
lines of you didn't think that people who have
experienced harassment should have the burden of
solving the problem.

MS. McMAHON: Objection. Form.

THE WITNESS: I think what I said was
people haven't asked for this problem.

MS. WARREN: Yes.

BY MS. WARREN:

Q So I know you encourage people to report.

A Yes.

1 Q Who do you think should solve the problem
2 when there's harassment?

3 A So, assuming we are talking about the
4 workplace, as opposed to the universe.

5 Q Yes. Right.

6 A Right. Whomever has the power to make
7 personnel decisions in that organization -- the
8 supervisor, the unit executive, the judge -- whomever
9 in that particular work environment has the power and
10 ability to control and, you know, make decisions
11 about staff.

12 Q Do you think that people have the
13 -- people who report harassment need to propose
14 remedies themselves?

15 MS. McMAHON: Objection.

16 THE WITNESS: No. I think they are free
17 to. You said supposed to.

18 BY MS. WARREN:

19 Q Do you think they need to propose
20 remedies?

21 MS. McMAHON: Objection. Form.

22 THE WITNESS: No, I don't think they need

1 to.

2 BY MS. WARREN:

3 Q If someone said that they would like a
4 workplace free of harassment, do you feel like that
5 is a clear statement of the remedy that they would
6 like?

7 MS. McMAHON: Objection. Form.

8 MS. YOUNG: Objection. Calls for
9 speculation.

10 THE WITNESS: You can't wave a magic
11 wand. It's like saying I would like world peace.

12 You can only report something that
13 happens and respond to something that happens.

14 So you could say I want a workplace free
15 of harassment, but you don't have bewitched-like powers
16 to prevent people from acting however they act. All
17 you can do is react when an incident happens.

18 Q What if someone says they would like
19 advancement based on merits in the workplace?

20 MS. McMAHON: Objection. It calls for
21 speculation.

22 THE WITNESS: When you say, "What about,"

1 what do you mean, "What about"?

2 BY MS. WARREN:

3 Q Is that a remedy, or would you ask them
4 to be more specific?

5 A So I wouldn't characterize that as a
6 remedy. I would characterize that as one of our
7 equal opportunity obligations that we have in the
8 judiciary.

9 It's not really a remedy. It's something
10 that everyone that's part of our commitment is that
11 promotion is based on merit.

12 Q Do you think -- what are your other equal
13 opportunity obligations?

14 MS. McMAHON: Objection. Form.

15 THE WITNESS: We talked earlier about
16 that personnel decisions should be based on merit and
17 qualifications and shouldn't be based on your
18 membership in a protected class such as race, color,
19 national origin, gender, disability, religion.

20 (Langley Deposition Exhibit No. 54
21 was marked for identification.)

22 BY MS. WARREN:

1 Q I want to talk about your meeting with
2 Caryn in February of 2019, and I will give you your
3 notes right away.

4 A Thank you. I'm going to take a second to
5 reread it.

6 Q Go ahead.

7 A Okay.

8 Q Are these your notes?

9 A Yes.

10 Q Does 19-4 at the top refer to that number
11 that you were using in your initial -- in your
12 internal reporting service?

13 A It does.

14 Q Tell me. How long was this meeting?

15 A Well, I think it says two hours but
16 that's -- about two or three hours is what I
17 remember, two or three hours.

18 Q What did you talk about when Caryn first
19 sat down?

20 A She described to me where it was in the
21 process. It was more focused on the EDR process than
22 what had actually transpired to cause her to want to

1 initiate the EDR process. It was focused on where
2 they were and wanting to understand the EDR mediation
3 and complaint stage.

4 So we talked about the different things
5 that she wanted to understand about where she was in
6 that process.

7 Q Have you ever learned about the
8 underlying harassment that she experienced?

9 A The only knowledge I have of it is from
10 when I read the Fourth Circuit's published opinion
11 that came out last summer before that, and that's the
12 only source of information that I've ever had about
13 the underlying -- I mean, Caryn likely told me
14 something about what had happened; but today I don't
15 remember what she told me, and I don't have any
16 specific memories of it that I can recall.

17 Q And you wouldn't have anything other than
18 your notes that would refresh your recollection.

19 A That's true.

20 Q It looks like you discussed the wrongful
21 conduct report that the federal defender filed. Is
22 that right?

1 MS. McMAHON: Objection. Misleading.

2 BY MS. WARREN:

3 Q It's right there on the middle of the
4 page?

5 A You called it a report that he filed.
6 That's not how I think of chapter 9. That's just I'm
7 telling someone that something has happened. It's
8 not a filing.

9 So the way you characterize it isn't -- I
10 don't think that -- I know that's not how I've
11 characterized it.

12 Q It says, "The defender apparently filed a
13 wrongful conduct report with the Fourth Circuit. "

14 A You're right. I did use that word; but I
15 think that's the way Caryn described it, and it's why
16 I have the thing that said people seem to think of
17 chapter 9 as a complaint process, which is not how I
18 think of chapter 9, nor do I think it's how chapter 9
19 is written.

20 Q Can anything happen as a result of a
21 chapter 9 wrongful conduct report?

22 MS. McMAHON: Objection. Vague.

1 THE WITNESS: Whatever the unit executive
2 and/or chief judge determines is the appropriate
3 response can happen.

4 MS. WARREN: Okay.

5 BY MS. WARREN:

6 Q It says -- looking at that same
7 paragraph --

8 A Which paragraph?

9 Q It is the fifth paragraph down.

10 A Okay.

11 Q "Caryn was told the EDR complaint process
12 would need to be abated during the wrongful conduct
13 investigation."

14 So I read this to say that she told you
15 the chapter 10 proceeding needed to be abated during
16 the chapter 9.

17 A This information --

18 MS. YOUNG: Objection. Form.

19 THE WITNESS: This information is what
20 Caryn related to me.

21 So, for example, when it says "filed,"
22 what I believe now is that was the terminology she

1 used which is why it's unfamiliar to me. And so I
2 think the same thing is that I think Caryn told me
3 that someone told her, and so I am writing down her
4 words to me.

5 MS. WARREN: Yes.

6 BY MS. WARREN:

7 Q Were you concerned that the complaint
8 process would need to be abated during the wrongful
9 conduct investigation?

10 MS. YOUNG: Objection. Form.

11 THE WITNESS: I'm trying to think of the
12 right word.

13 That's never how I have envisioned the
14 process working.

15 BY MS. WARREN:

16 Q And why not?

17 A First, you have a limited amount of time
18 under the EDR plan from when the alleged wrongful
19 conduct happens to file to start the prerequisites.
20 Your request for counseling has to be filed within,
21 under the model plan, 30 days. I'm assuming
22 that's -- I'm going from memory, but I think that's

1 what the Fourth Circuit was. So you have a limited
2 amount of time. Now, granted, that can be extended;
3 but that's reason one.

4 It to me should always be the employee's
5 choice as to when they initiate that process as to
6 being told.

7 I don't have a -- I see nothing in the
8 EDR plan that says someone can tell you we are not
9 letting you file something.

10 So, the concept of saying something had
11 been abated as if she had not agreed to that is not
12 something that I had ever heard of or understood as
13 part of the EDR process.

14 But I didn't know what she meant by that.
15 That's her words.

16 Q Did you ask her to explain?

17 A I could not tell you now what I said or
18 didn't say. I don't remember, specifically.

19 Q Do you think you would have?

20 MS. McMAHON: Objection. Calls for
21 speculation.

22 THE WITNESS: I remember that one of the

1 things that stands out to me even all these years
2 later and what I remember of wanting to volunteer to
3 call James on her behalf was this needs to get to the
4 complaint stage. Right?

5 It seemed to me that much of what Caryn's
6 frustration was is wanting other people involved to
7 be overseeing this or to be making decisions, getting
8 a presiding judge appointed.

9 BY MS. WARREN:

10 Q Did she tell you the timeline of any of
11 this?

12 MS. McMAHON: Objection to form.

13 THE WITNESS: I don't remember today.

14 MS. WARREN: Okay. If she told you
15 -- well, strike that.

16 BY MS. WARREN:

17 Q How long does the counseling period
18 usually take?

19 A So I'm going to tell you what the EDR
20 plan says --

21 Q Yes.

22 A -- which is 30 days.

1 Q Can that be extended for good cause?

2 A Going from memory now, I believe that
3 there is a provision in the 2018 plan that says that
4 can be extended for good cause.

5 Q Can it be extended repeatedly?

6 And you're welcome to look at the plan.

7 A I'm not going to speculate beyond what
8 the words of it say. I don't see anything that says
9 it can't be; so, I guess the answer is yes.

10 But I want to be clear we are talking
11 about the counseling stage because I have a slightly
12 different answer for the mediation stage.

13 Q What is the answer for the mediation
14 stage?

15 A So the mediation stage, it does also
16 -- that says it can be extended with the agreement of
17 the employee and, I believe -- rather than guessing
18 --

19 Q No. Go ahead.

20 A Let's see. I believe the mediator, but
21 let me check.

22 "Mediation period may be extended by the

1 mutual agreement of the mediator and the employee,"
2 which means I would read that as if the employee does
3 not want to extend mediation.

4 Now, I do believe there is a general
5 provision elsewhere right on page 9.

6 And by the way, for court reporter we are
7 referring to Beam Exhibit 15. On page 9, there is a
8 general provision that says, "The chief judge or
9 presiding judicial officer may extend any of the
10 deadlines set forth in this chapter for good cause."

11 And then it says, also, the counseling
12 and mediation stage.

13 Q So that was your earlier answer --

14 A Yes.

15 Q -- confirmed.

16 A (Witness nods head.)

17 Q Okay. Do you remember discussing with
18 Caryn her request to disqualify the defender?

19 A I have some memory of that conversation.

20 Q What did she say?

21 A That she had filed a motion to disqualify
22 him from acting on behalf of the office during the

1 mediation stage and that she had waited months and
2 had not heard back.

3 Q How did you respond to that?

4 A What I remember telling her was that I
5 didn't understand the concept at all of disqualifying
6 the party from representing itself.

7 And so I do -- I don't know what I said
8 to her about the delay in getting an answer back but
9 I remember -- and am seeing in my notes -- thinking
10 that it would surprise me if disqualifying the
11 defendant from being the defendant would be granted.

12 Q Did you talk with Caryn about remedies at
13 the complaint stage?

14 A I don't remember.

15 The only question -- the only topic that
16 I remember coming up late in our meeting was her
17 asking what would happen if the defender, like if the
18 presiding judicial officer at the end of the
19 complaint stage -- because that's when remedies
20 happen, after there has been a decision on the
21 merits -- what would happen if the defender refused
22 to comply with the orders.

1 Q And --

2 A And I said I didn't remember what -- I
3 was not familiar with the -- how a defender could be
4 unappointed.

5 In contrast, if I'm a court employee and
6 the presiding judicial officer orders the clerk of
7 court to provide some remedy, the clerk of court, I
8 understand, is in a very direct employment
9 relationship with the chief judge and the judges on
10 the court.

11 And what I remember telling Caryn is I
12 literally did not know enough about the relationship
13 between a defender -- and I'm talking about the unit
14 executive defender -- and the judges on the Court of
15 Appeals. And so I remember telling her that I didn't
16 know what would happen.

17 I certainly told her that they are
18 obligated -- a defender would be obligated under the
19 plan to take those remedies and to comply with the
20 order, but I didn't know what would happen if they
21 refused to follow that.

22 Q Do you know -- I'm just trying to make

1 sure I understand your answer.

2 Are you saying that you didn't know if
3 the Court -- if a presiding judicial officer would
4 have authority to enforce remedies ordered under the
5 plan against the defender?

6 A No. I knew that they had the power to
7 enforce it.

8 But the mechanics of what does that
9 enforcement mean, what I didn't know was would they
10 have the power to fire the defender for failing to
11 comply with a presiding judicial officer decision.

12 And after our meeting, I did learn about
13 a statute that describes how a defender can be
14 removed from office for misconduct in office or
15 neglect of duty; and as a lawyer I would make the
16 argument that failing to comply with a presiding
17 judicial officer's order would be neglect of duty.

18 So, I didn't know that.

19 Q At the time.

20 A So that was -- my answer to her was, "I
21 don't know what would happen."

22 Q Okay.

1 A But I also want to be clear when you talk
2 about remedies I am talking exclusively about a
3 post-decision remedy ordered by a presiding judicial
4 officer at the end of the complaint stage --

5 Q I understand?

6 A -- not settlement resolutions or other
7 informal resolutions. I'm talking about remedies
8 under the EDR plan.

9 Q Does the EDR plan contemplate any
10 distinction between someone's interests as, say, a
11 unit executive and their interests if they are also
12 an accused party?

13 A Say it again.

14 (The following was read back by the
15 court reporter:

16 QUESTION: Does the EDR plan
17 contemplate any distinction between
18 someone's interests as, say, a unit
19 executive and their interests if
20 they are also an accused party?

21 THE WITNESS: So you are going to have to
22 excuse me, but I'm going to stop and reread this to

1 see off the top of my head. Without reading it -- I
2 have to take a look to see if anything pops out as
3 responsive to your question.

4 Just kind of commenting as I go,
5 certainly a unit executive is covered by the EDR
6 plan. Their conduct is governed by it.

7 On page three, there are specific
8 obligation of a unit executive to ensure that
9 vacancies are publicly announced to attract
10 candidates of a wide range of the qualified labor
11 market to ensure that skills and abilities of
12 employees are identified. These are section 3-A.

13 Chapter two, section 3-A, talks about
14 some specific unit executive obligations and
15 responsibilities.

16 It doesn't quite connect the dots, but an
17 employing office is run by unit executives so when
18 there are obligations at an employee office in the
19 EDR plan to not discriminate and to comply with these
20 protections, it would be the unit executive
21 implicitly to follow the dictates and the obligations
22 of the EDR plan. So, that's a different role that it

1 contemplates.

2 In chapter nine, the unit executive is
3 designated as someone who should be informed of a
4 report of wrongful conduct who is tasked with the
5 obligation to make sure that you look into
6 allegations of wrongful conduct. So, that's a
7 distinction between a unit executive and an employee.

8 Those are the provisions of the 2018 EDR
9 plan that I see that are unique or reference to
10 distinguish between unit executives and employees.

11 Q Does the plan contemplate what should
12 happen if a unit executive is an accused employee in
13 the EDR plan?

14 A Okay. Now, I'm going to have to read it
15 again.

16 Q Sorry. They would have objected if I
17 asked both at once. I promise.

18 MS. YOUNG: Can you read that back one
19 more time?

20 (The following was read back by the
21 court reporter:

22 QUESTION: Does the plan contemplate

1 what should happen if a unit
2 executive is an accused employee in
3 the EDR plan?)

4 THE WITNESS: I can read it faster now
5 that I've read it again.

6 (Witness reviews document.)

7 I don't see any language that expressly
8 or explicitly says anything about when the unit
9 executive is the person alleged to have violated the
10 rights under the EDR plan.

11 I have more thoughts on that; but to
12 answer your specific question, no.

13 MS. WARREN: Okay. I would love to hear
14 your thoughts.

15 THE WITNESS: I thought so.

16 MS. McMAHON: Objection. Form.

17 THE WITNESS: I walked into that one.
18 She's going to be mad at me later.

19 EDR is very frequently challenging
20 personnel decisions. Unit executives typically are
21 people who make personnel decisions.

22 So, implicitly in the structure of

1 challenging personnel decisions made by a unit
2 executive in EDR, unit executives are not infrequently
3 the person alleged to have taken a personnel action
4 that was discriminatory or failed to prohibit
5 discrimination or failed to prohibit discriminatory
6 harassment, et cetera, under the EDR plan.

7 So I don't -- I want to be honest and be
8 careful with your question.

9 No. There isn't anything that says what
10 you do when the unit executive is the alleged
11 violator except to comment that's most typically what
12 the fact patterns are.

13 BY MS. WARREN:

14 Q I guess I just want to understand what
15 those ordinary fact patterns -- the typical fact
16 patterns are.

17 Is it a denial of a promotion?

18 MS. McMAHON: Objection. Form.

19 THE WITNESS: Yes. That one, yes.
20 That's just -- I mean, it is a violation of the
21 protections in the EDR plan from soup to nuts, the
22 panoply of fact patterns that could arise or that

1 could be alleged to have arisen under the protections
2 in the EDR plan.

3 BY MS. WARREN:

4 Q But you said it's usually challenging
5 personnel decisions.

6 A So the named respondent in an EDR plan is
7 the employing office. It's not a person, and so it's
8 typically challenging.

9 I mean, if you went through each of the
10 laws, employment discrimination is taking an adverse
11 employment action. The people who take employment
12 actions are unit executives and managers.

13 When you look at harassment under the EDR
14 plan it says that we will look to the laws that we
15 are mirroring.

16 If you look at Title VII, an employer is
17 liable in several situations but one where they are
18 liable is if they know or should have known of
19 harassment and don't take action reasonably
20 calculated to stop the harassment from continuing.
21 So that's another responsibility of a manager or a
22 unit executive.

1 If you look at the OSHA protections in
2 the EDR plan, making sure we have a workplace free of
3 known hazards, that's typically a unit executive's
4 obligation to make sure we have a workplace free of
5 known hazards.

6 The USERRA protection in the EDR plan is
7 making sure that people returning from military
8 service get their job back. That's typically a
9 personnel decision to make sure they have their job.

10 So the protections in the EDR plan are
11 employment protections that a unit executive is
12 responsible for complying with.

13 Q Do you think that there is any conflict
14 of interest in someone representing what is best for
15 their office in terms of liability as you used the
16 term and what is best if they are themselves accused?

17 MS. McMAHON: Objection.

18 THE WITNESS: Can you do me a favor and
19 re-read her question?

20 (The following was read back by the
21 court reporter:

22 QUESTION: Do you think that there

1 is any conflict of interest in
2 someone representing what is best
3 for their office in terms of
4 liability as you used the term and
5 what is best if they are themselves
6 accused?)

7 MS. McMAHON: And I can note for the
8 record an objection. It calls for speculation.

9 THE WITNESS: And in response to that I
10 could only answer speculatively. Sometimes, there
11 is. Sometimes, there is not. It will depend
12 entirely on the facts.

13 BY MS. WARREN:

14 Q Looking at your conversation with Caryn
15 and looking back at your notes on page two which is
16 5446 of Exhibit 54, in the second-to-the-last
17 paragraph towards the bottom it looks like this
18 reflects some of your conversations around the
19 disqualification issue.

20 A Okay.

21 Q So, it looks like at least the first
22 couple of sentences confirm what you were just

1 explaining to me.

2 A Right. Right.

3 Q Then it says, "If the Court concluded
4 there was a significant conflict of interest, it
5 could act."

6 A Right.

7 Q What would that conflict of interest be?

8 A Okay. That's like such a general
9 question it's going to depend on what the conflict
10 is.

11 Q Do you have any idea what kind of
12 conflict of interest you would be referring to?

13 A Well, I'll use a phrase that we use in
14 the revised model EDR plan.

15 Q Is that the 2020?

16 A And actually, I don't even think it says
17 that. I don't even think there is language in there.
18 So, I'm trying to think of how I described it.

19 Speaking entirely generally -- I'm not
20 going to hypotheticalize about possible fact patterns
21 that fit this general description -- but
22 hypothetically there could be situations in which an

1 interest in denying the conduct happened differs from
2 the office's desire to admit the conduct happened.
3 Right? There just could be times in which the
4 interests are different.

5 Q You also in that same sentence there is a
6 dash-dash "After it could act," and the sentence
7 continues to read, "such as hiring an outside law
8 firm to represent the office."

9 MS. YOUNG: Objection. Form.

10 THE WITNESS: I guess there isn't a
11 question. What is the question?

12 BY MS. WARREN:

13 Q What did you mean by that?

14 A Because the unit executive runs the
15 office, that's their statutory role when they are
16 not -- if they are not acting on behalf of the
17 office, who does?

18 And so my thinking there was one option
19 might be that the employing office hire a law firm to
20 act on behalf of the office to be empowered to
21 respond and decide how to respond to the complaint.

22 Q Is the idea because an outside law firm

1 would be able to best represent the office's
2 interests?

3 A It's literally just the thought that I
4 had at that moment, like what would happen if they
5 weren't in charge of the office, which had not ever
6 occurred to me or ever happened in my EDR experience;
7 but that's what I remember thinking, maybe you would
8 hire a law firm to represent the office. I mean, who
9 else is going to once you've taken out the unit
10 executive?

11 Q Have you ever heard of anyone within the
12 judiciary of any hiring of a law firm within the EDR
13 process to represent a responding office?

14 A I have not.

15 Q Have you heard of an approach like that
16 in other sectors outside of the judiciary?

17 A I'm not familiar enough without outside
18 the judiciary. I've been a judiciary employee too
19 many years.

20 Q Do you get pins? I hope you do.

21 A I guess, but I never saved them. When I
22 die, my children will find them buried in drawers

1 around the house.

2 Q Have you heard, again, in the private
3 sector about outside investigations into --

4 A Yes.

5 Q -- allegations --

6 A Yes.

7 Q -- of misconduct?

8 A Yes.

9 Q Has the judiciary -- strike that.
10 Have you ever considered incorporating
11 that into the EDR plan?

12 A So, I'm not in charge of the EDR plan.

13 Q But have you ever considered it?

14 A I have not, but that's a -- every Court
15 has its own EDR plan and can do whatever it wants to
16 do.

17 Q Have you ever heard any discussions about
18 the possibility of outside investigations?

19 A I can't say ever. I don't know.

20 Q Looking up at this page in this big
21 paragraph in the middle, a couple of lines down --
22 let's see. I think, five, six lines down I believe

1 you're describing what you told Caryn.

2 And you said, "It's fine in normal
3 litigation to provide a short plain statement of
4 allegations in a complaint because there are clear
5 discovery rules; but in EDR it is fast and short and
6 there are no clear discovery rules."

7 Is that how you would characterize EDR?

8 A If you look at the EDR plan, hearings are
9 expected to be within 60 days. That's very quick.

10 If you look at the EDR plan, it doesn't
11 have Rule 16. It doesn't have all the discovery
12 rules. It says that the judge will decide how to
13 conduct discovery or investigation to gather the
14 information.

15 And so -- yes -- based on what I just
16 described to you about the EDR plan, it's fast and
17 there is not established discovery rules that were
18 used to in the rules of civil procedure.

19 Q Looking a little bit further down this
20 paragraph, it looks like you and Caryn discussed her
21 concerns about her request for counseling and
22 mediation being given to the defender.

1 What do you remember about that?

2 A I remember her saying that -- well, let
3 me back up.

4 I remember noting that the request for
5 mediation was much shorter than what she was
6 describing to me.

7 And she had said to me that she met with
8 the H.R. investigator for five hours, and yet my
9 recollection was the request for mediation was very
10 short, like it was on a five-hour worth of facts. So
11 there was a disconnect between factual concerns
12 versus what was in the request for mediation.

13 What I recall my immediate concern was is
14 there is a provision in the EDR plan that says,
15 "Claims not presented in mediation are waived."

16 Now, we can, as attorneys, quibble over
17 what a claim is. I want to give the employee like,
18 "Don't risk it. Tell them everything -- whether it's
19 a factual allegation or a legal claim -- so that
20 there is never a risk of an argument that, 'Sorry.
21 You can't bring that in your complaint because you
22 didn't raise it in mediation.'"

1 And so that's where the topic came up of
2 why is this so short, because I think you need to
3 have everything in here to protect yourself.

4 And somehow in the course of that -- and
5 I would not have remembered this had I not read it in
6 my notes -- she said that she did not believe the
7 defender had ever seen it.

8 Well, I'm going too fast. I should slow
9 down.

10 The EDR plan states that the request for
11 mediation should be given -- in fact, let me just
12 read it so I don't say it wrong.

13 Q That's why we brought it.

14 A Requests for counseling don't go to
15 anyone. Requests for counseling go to the EDR
16 coordinator because that's their quiet, confidential
17 time to ask all the questions.

18 And sometimes at the end of counseling
19 nobody wants to go any further, and no one knows
20 there has been a request for counseling.

21 Mediation is an obligation for the
22 employing office and the employee to meet to see if

1 they can resolve it; and thus, it says at page 12,
2 chapter 10, section 9, that, "The EDR coordinator
3 shall promptly provide a copy of the request for
4 mediation to the unit executive and the chief judge
5 of the court."

6 So when Caryn said to me, "The defender
7 has never seen my request for mediation," that seemed
8 to not -- I mean, that was not what the EDR plan said
9 should happen.

10 Q Did Caryn express concern that the
11 defender would see her full allegations which
12 included allegations against him?

13 A I don't remember that. What my notes
14 say -- which triggered a bit of a memory -- was that,
15 I believe, she said someone had told her -- I don't
16 remember now where she heard this -- that it would
17 make the defender angry if he saw all the
18 allegations, which made no sense to me.

19 Q Why didn't it make sense?

20 A Because what relevance is it whether
21 someone would get angry or not. Like they are tasked
22 with addressing the issue or responding to the issue,

1 but you have to know what you are addressing or
2 responding to.

3 Q Do you think that someone could be
4 concerned that their boss could be angry at them?

5 MS. McMAHON: Objection. It calls for
6 speculation.

7 THE WITNESS: Yeah. I have no idea.

8 BY MS. WARREN:

9 Q Would you be concerned if your boss was
10 angry at you?

11 MS. McMAHON: Objection. Lack of
12 foundation.

13 THE WITNESS: It's like saying I'm going
14 to file a complaint, but I'm not going to tell the
15 defendant what my complaint is about. I don't
16 understand the concept.

17 If I'm choosing to file a complaint, then
18 I'm choosing to disclose what my complaint
19 allegations are.

20 So, in a big picture do I want my
21 supervisor to be unhappy with me? No.

22 If I'm filing a complaint that alleges my

1 my employing office and/or the unit executive in
2 charge of that office has done something, it wouldn't
3 -- someone's emotional reaction to that doesn't seem
4 relevant to me.

5 BY MS. WARREN:

6 Q Did Caryn tell you at all about the ways
7 that the defender had retaliated against her?

8 MS. McMAHON: Objection. Misleading.

9 THE WITNESS: I don't have any memory of
10 her telling me anything about the underlying factual
11 obligations.

12 The only thing I remember her telling me
13 about retaliation was that when the H.R. person did
14 the investigation, they had not investigated her
15 retaliation claims.

16 Caryn may have told me, but I don't have
17 any memory today at all of what those were.

18 BY MS. WARREN:

19 Q Looking at the first page of your notes,
20 the last full paragraph on the page in the second
21 sentence, it says, "Further, when she sought help
22 from OFEP last fall, James and the defender were very

1 angry at her for doing so which she feels is a form
2 of retaliation because she has every right to seek
3 guidance from OFEP." Do you remember her telling you
4 that?

5 A No. Had I not read this in the notes, I
6 wouldn't have had that memory.

7 Q Was Caryn entitled to seek guidance from
8 OFEP?

9 A The Office of Fair Employment
10 Practices -- which is what those initials stand for
11 -- is available to judiciary employees to call and
12 ask about their rights and protections under the EDR
13 plan.

14 Q Would it be appropriate to be upset with
15 an employee for calling OFEP?

16 MS. McMAHON: Objection.

17 MS. YOUNG: Objection. It calls for
18 speculation.

19 THE WITNESS: That's a question I don't
20 know how to answer.

21 BY MS. WARREN:

22 Q If someone says that -- if the defender

1 had said, "You should not have reached out to OFEP,"
2 would that be an appropriate statement; or would that
3 be a form of retaliation?

4 MS. McMAHON: Objection. Form.

5 Objection. It calls --

6 THE WITNESS: Yes. I'm certainly not
7 going to opine --

8 MS. McMAHON: -- for speculation.

9 THE WITNESS: -- on whether it's a form
10 of retaliation.

11 MS. McMAHON: Objection. It calls for
12 speculation.

13 THE WITNESS: I have absolutely no
14 ability on how to answer that question.

15 BY MS. WARREN:

16 Q Is it protected conduct to reach out to
17 OFEP?

18 A You would have to define "protected
19 conduct" in terms of what the EDR plans calls as
20 protected conduct.

21 Q Is it a right under the EDR plan to reach
22 out for more information?

1 MS. McMAHON: Objection. Vague.

2 THE WITNESS: So the EDR plan doesn't say
3 anything about the Office of Fair Employment
4 Practices; so, I think the narrow answer to your
5 question is it doesn't address it at all.

6 BY MS. WARREN:

7 Q Is there some other right that employees
8 have to reach out to the Office of Fair Employment
9 Practices?

10 A When you use the word "right," I don't
11 know what that means.

12 There is an Office of Fair Employment
13 Practices. People can call it.

14 I don't know what you mean by "right."
15 So, I don't know. Like that sounds like a legal term
16 of art that I'm just to the comfortable defining. I
17 don't know what it means by a "right."

18 It's not something in the EDR plan; and
19 to me in this context, the only thing that provides
20 guidance or responsibilities would be this document.
21 This document doesn't say anything about the Office
22 of Fair Employment Practices.

1 Q Do you think that employees can be
2 punished for contacting OFEP?

3 MS. McMAHON: Objection.

4 MS. YOUNG: Objection.

5 MS. McMAHON: It callings for speculation.

6 THE WITNESS: I don't have an opinion on
7 that.

8 BY MS. WARREN:

9 Q You don't have any opinion at all?

10 A I don't have any opinion on that at all.
11 I just don't. I mean, I just don't. I
12 don't know what -- it's entirely theoretical.

13 Q So Caryn reached out to the Office of
14 Fair Employment Practices in this case.

15 A Okay.

16 MS. McMAHON: Objection. Can you ask a
17 question?

18 MS. WARREN: I'm not done. Thanks.

19 BY MS. WARREN:

20 Q So when Caryn reached out to the Office
21 of Fair Employment Practices in this case, she told
22 you that James and the defender were upset for doing

1 so. Is that appropriate?

2 MS. McMAHON: Objection. It calls for
3 speculation.

4 MS. YOUNG: Objection.

5 MS. McMAHON: Lack of foundation.

6 THE WITNESS: There are a million things
7 that could make a different answer.

8 What did she say? What did she not say?

9 I don't know the answer to that question.
10 It's just not something that any of my -- I don't
11 have any opinion on this, and it depends on what was
12 said.

13 Literally, this is just me writing down
14 what she said; and I can't give an opinion on
15 something where I don't know anything more about it.

16 BY MS. WARREN:

17 Q You said earlier that you encourage
18 employees to report to someone --

19 A Yes.

20 Q -- to whoever they feel most comfortable
21 with.

22 A By that, I mean, the people in the EDR

1 plan because the Office of Fair Employment Practices
2 doesn't have a defined role in the EDR plan.

3 Q Can employees ask OFEP about the EDR
4 plan?

5 A Yes. They could, at that time.

6 Q Can they do so now?

7 A They can, but they would likely be
8 referred to the Office of Judicial Integrity because
9 the Office of Judicial Integrity now provides
10 information about EDR plans.

11 Q When you say the Office of Judicial
12 Integrity, is there anyone in the Office of Judicial
13 Integrity other than the judicial integrity officer?

14 A There is now a deputy and an
15 administrative assistant.

16 Q Do you know when they began?

17 A The deputy began probably a year ago; but
18 whether it's nine months or 18 months, I couldn't be
19 more specific than that.

20 And the administrative assistant, I
21 believe, began about seven or eight months ago.

22 BY MS. WARREN:

1 Q You said earlier that EDR is not the only
2 option for employees.

3 A Right.

4 Q What are their other options?

5 A Well, you can always walk into your
6 supervisor's office; your unit executive's office; if
7 you are in a court, the judge's office and say, "I
8 would like help with this workplace conduct problem."

9 Q Could you go to the Office of Fair
10 Employment Practices?

11 A You could go to them to get information
12 about what the plan says, but the EDR plan doesn't
13 contemplate them being anything more than providing
14 process advice. They're not part of the court.
15 They're not part of the EDR plan of that court. So,
16 it would be informational.

17 If they don't have any power to take
18 action, a unit executive would be; or if you were a
19 court employee, a judge would have.

20 Q Turning to the end of your note, on this
21 last page do you remember if Caryn explained why she
22 did not want you to reach out to James Ishida --

1 I-S-H-I-D-A.

2 A I would not have remembered but for
3 reading what I wrote; so, my memory is literally just
4 the words on this page.

5 Q Do you remember asking why they thought
6 it might inflame matters?

7 A I don't have -- I have no recollection of
8 anything about this conversation.

9 Q And there is nothing that could refresh
10 your recollection other than these notes.

11 A That's true.

12 Q You wrote that you don't share their
13 cynicism about why things have proceeded as this
14 have. What did you mean?

15 A That. What I said. That I thought based
16 on what they were telling me that even though the
17 mediation was taking long, it seemed like it might be
18 taking long because of Caryn's disqualification
19 motion -- it might be taking long for other reasons
20 -- and that a lot of what she wanted to have happen
21 such as getting a copy of the report were things that
22 she had all the power to request in the complaint

1 stage.

2 And so I had a belief -- and I think I
3 expressed the opinion -- that as the -- if you
4 proceed to the actual complaint process, things that
5 you're frustrated about in terms of wanting a remedy,
6 wanting a copy of the investigation report, can and
7 will happen or can happen and I thought would happen.

8 Q You said that -- strike that.

9 The unit executive has the power to take
10 action, is that right?

11 MS. McMAHON: Objection. Vague.

12 THE WITNESS: Yeah. I agree. That's a
13 vague question. Like what kind of -- like can --

14 MS. WARREN: In the EDR plan?

15 THE WITNESS: -- you be more specific
16 about what you mean by EDR action?

17 MS. WARREN: Yes.

18 BY MS. WARREN:

19 Q In chapter 10, who has the power to
20 actually take action?

21 A Yeah. I'm sorry. I still can't answer
22 it because there's too many contexts.

1 It's not a false statement. It's just
2 that there is a lot of -- like what kind of action?

3 They can make hiring decisions. They can
4 make promotion decisions. They could make personnel
5 decisions. They can -- I mean, there is an infinite
6 number of things that unit executives have the power
7 to do.

8 So, I'm not sure what you mean by what
9 kind of action. So like if you want to be more
10 specific about an action, that's helpful.

11 Q So in chapter 10 --

12 A Right.

13 Q -- what power does the unit executive
14 have?

15 A To represent the office as the employing
16 office in defending or responding -- whatever they
17 want to do in their response -- to the allegations
18 -- admit them, deny them, respond, provide evidence
19 -- but they don't have any other power than being a
20 party.

21 They are essentially the person who
22 represents the respondent, which is the equivalent in

1 sort of a sense to a defendant.

2 Q So, did you tell Caryn that the unit
3 executive has no power other than a party?

4 A I don't have any specific memory of that
5 statement, but I certainly was differentiating
6 between a unit executive's responsibility empowered
7 to act on behalf of the office during mediation.

8 But in the complaint stage really the
9 only person that makes decisions is the designated
10 presiding judicial officer. Everybody else are
11 parties or witnesses.

12 Q At the end of this paragraph you said
13 that you reassured them that they are at the start of
14 the EDR process with all of the due process that it
15 offers.

16 What did you mean by "all of the due
17 process"?

18 A So the EDR plan has -- and we can read
19 through them. There are all kinds of protections,
20 procedural provisions that are in chapter 10.

21 Q Do you believe that those all comport
22 with due process in a Constitutional sense?

1 MS. YOUNG: Objection.

2 THE WITNESS: I could not begin to opine
3 on Constitutional judicial process. I graduated from
4 law school in '85, and I'm not a common law expert
5 anymore.

6 BY MS. WARREN:

7 Q So when you used due process in this,
8 that was not the concept of due process you were
9 referring to?

10 MS. McMAHON: Objection. Form.

11 THE WITNESS: I think that's a fair
12 statement. I think I was referring to the process
13 that is described in the EDR plan. I was not
14 remotely thinking Constitutional concepts.

15 BY MS. WARREN:

16 Q Do you think that there are processes in
17 the EDR plan that comport with due process?

18 MS. McMAHON: Objection. It calls for a
19 legal conclusion.

20 THE WITNESS: Yeah. That does call for a
21 legal conclusion.

22 BY MS. WARREN:

1 Q And you said you haven't been in
2 constitutional law in a while.

3 A No. I was number one in my class but
4 that was --

5 Q Congratulations.

6 A And I still have my little book, but
7 that's been almost 40 years.

8 MS. WARREN: I was not at the top of my
9 common law class. I can tell you that.

10 Let's take a break.

11 (There was a break taken from
12 1:58 p.m. to 2:07 p.m.)

13 MS. WARREN: Back on the record.

14 BY MS. WARREN:

15 Q I want to go back to Exhibit 51. I'm
16 sorry to make you dig through the pile.

17 A That's the one that's really tiny.

18 Q I think you might need Jenny's glasses
19 for it.

20 A Okay. I'm ready.

21 Q So you said -- and this is in the initial
22 inquiry narrative. I'm sorry it's in, it looks like,

1 six font.

2 That last sentence reads -- and this is
3 Exhibit 51, Bates 6845 -- "I met with Caryn and her
4 husband for several hours and discussed my
5 recommendations to persuade the Fourth Circuit EDR
6 coordinator to bring this matter to some prompt
7 resolution."

8 Did you feel like the Fourth Circuit EDR
9 coordinator needed persuading in this case?

10 A Say that again.

11 Q Did you feel like the Fourth Circuit EDR
12 coordinator needed persuading in this case?

13 MS. YOUNG: Objection. Vague.

14 THE WITNESS: Well, that's the words I
15 wrote down. Let's put it that way.

16 BY MS. WARREN:

17 Q Turning the page to 6846, for the
18 resolution narrative it says, "Caryn was offered a
19 job as a career law clerk to a Fourth Circuit judge
20 and dismissed her EDR request for mediation.

21 "Eventually, the FPD took corrective
22 action against the supervisor, and the Fourth Circuit

1 chief judge counseled the defender for his response."

2 Was Caryn offered a job as a career law
3 clerk?

4 A That's what I was told. I don't have
5 personal knowledge of that.

6 Q Were you concerned at all about that
7 resolution?

8 A I have no memory of being concerned about
9 the resolution.

10 Q "Eventually, the FPD took corrective
11 action against the supervisor; and the Fourth Circuit
12 chief judge counseled the defender for his response."

13 Are you aware of the details of that
14 counseling or the corrective action?

15 MS. YOUNG: Objection. Misleading.

16 THE WITNESS: I am not. I'm not aware of
17 any of those.

18 BY MS. WARREN:

19 Q I'm sorry to make you go back to the
20 plan, but I want to look at the confidentiality
21 provision.

22 A Okay.

1 Q Let me just find the section. I believe
2 that's on page 8.

3 A Thank you.

4 Q So this is Beam 15, Bates 4546, and this
5 is under chapter 10. Is that right?

6 A That's correct.

7 Q It says, "The Court or employing office
8 shall protect the confidentiality of allegations
9 filed under this plan to the extent possible;
10 however, information about allegations filed under
11 this plan shall be shared on a need-to-know basis."

12 Have you trained EDR coordinators about
13 the definition of confidentiality under this plan?

14 A I don't because I train them under the
15 new plan.

16 Q Does the new plan have a different
17 definition of confidentiality?

18 A I believe it does, but I would have to
19 take a look at it. But I don't have it.

20 Q And you are talking about the 2020 plan?

21 A The 2019.

22 Q 2019. Okay. I do not have a copy of

1 that one with me.

2 Have you ever trained anyone on this
3 definition of confidentiality?

4 A I don't know.

5 Q Do you have any understanding of what a
6 "need-to-know basis" means?

7 A So, what I do know is that without
8 remembering the specifics, the need-to-know language
9 was one of the amendments from the 1997 plan to the
10 2010 plan.

11 Whatever it used to say, it didn't even
12 provide any guidance; and I remember the discussion
13 of, well, people need to know it. Either they need
14 to know it because they are a witness, or they might
15 need to know it because they are the person who has
16 information or the person who can make the remedy
17 happen.

18 And so that was the language that was
19 added in the 2010 plan saying it's permissible to
20 disclose to people who need to know.

21 I think -- 100 percent memory -- the
22 current version says who need to know in order to

1 help address or resolve, like we gave a little more
2 definition of what we mean by need to know.

3 Like why would you need to know? You
4 need it because you have knowledge or you're going to
5 implement.

6 Q Why would a witness need to know about
7 the confidentiality of a proceeding?

8 I think you said it would be important to
9 tell witnesses.

10 A What you are telling them is that there
11 is an EDR complaint, as opposed to not telling them
12 that there is an EDR complaint.

13 Like no one who doesn't need to know
14 about the EDR complaint would know about the EDR
15 complaint. That would be a confidential process that
16 was happening.

17 Q So, would you need to tell a witness this
18 is confidential or something along those lines
19 about --

20 A They would be told this same language,
21 that this is a confidential process.

22 "You have information that we need."

1 You can't have a witness without knowing
2 why they are being a witness to something. So, that
3 might require you to tell them, "This is part of an
4 EDR complaint process."

5 Q Is it important to tell someone who is
6 accused that the EDR complaint is confidential?

7 A This provision applies, and so everyone
8 who needs to know this needs to know this. That
9 would be everyone.

10 Q Is one purpose of confidentiality to
11 prohibit rumors or retaliation by sharing private
12 things?

13 MS. YOUNG: Objection. It calls for
14 speculation.

15 THE WITNESS: I was really going to say
16 that I can't speak to the provision.

17 I only know that this is the words on the
18 page. There is no all-powerful being that has an
19 intent in their head that I can refer to; so, it just
20 is what it is.

21 MS. WARREN: Okay.

22 BY MS. WARREN:

1 Q So you have no idea why -- other than
2 what this says -- why confidentiality would be
3 important?

4 A That's true.

5 Q Have you ever spoken with anyone about
6 the confidentiality provision?

7 A Yes.

8 Q Have they expressed a view on why it's
9 important?

10 MS. McMAHON: Objection. Lack of
11 personal knowledge.

12 MS. WARREN: She said she has spoken to
13 them.

14 THE WITNESS: But I don't remember other
15 people's conversations about it.

16 BY MS. WARREN:

17 Q But you've had conversations with other
18 people about the confidentiality?

19 A Sure. I'm the Circuit Director of
20 Workplace Relations. We talk about all provisions in
21 the EDR plan.

22 Q And because it's a provision in the EDR

1 plan, it's important to follow.

2 A Yes.

3 (Langley Deposition Exhibit No. 55
4 was marked for identification.)

5 BY MS. WARREN:

6 Q This is Exhibit 55. You are welcome to
7 take a look at it.

8 A Okay.

9 Q So, looking at the email on the last page
10 which has Bates 5392 --

11 A Okay.

12 Q -- I think you wrote to Caryn on
13 February 17th. You said, "I hope Friday wasn't
14 completely overwhelming. I felt a little overwhelmed;
15 so I suspect you did, as well."

16 Do you remember why you felt overwhelmed?

17 A No, I don't.

18 Q Do you remember why you thought she might
19 have been overwhelmed?

20 A I do remember that both she and her
21 husband were very -- they had a strong passionate
22 frustration.

1 Q And how did they communicate that to you?

2 A I don't know now. I just don't remember.

3 It's a sense of an emotion you're picking
4 up from body language and tone of voice, and I don't
5 remember the specifics now.

6 Q Is that why in the next sentence you
7 said, "I know this has been an arduous path for you"?

8 A Yes. Because you could tell that she had
9 wanted things to be happening differently and was
10 struggling to have those things happen.

11 Q When you said at the end of this
12 paragraph, "All of the due process rights in the EDR
13 complaint process are still there for you to use,"
14 was "due process rights" still colloquial in that?

15 A It was literally talking about the
16 process. The Constitution never entered my mind at
17 all.

18 Q In the next paragraph you talk about
19 possibly speaking to James; and then in your last
20 paragraph you say, "I'm also passionate that
21 employees not fear retaliation for coming forward and
22 for using EDR."

1 A Right.

2 Q Is that because you understood that she
3 feared retaliation if you talked to James?

4 A No. I didn't have a sense of that.

5 The only retaliation I remember -- and I
6 don't remember the specifics of what she felt had
7 happened that was retaliatory -- but that that was
8 one of her allegations.

9 Q Looking at the page before it which is
10 5391, you said, "Every matter can be a lesson
11 learned. For example, your experience has taught me
12 that I/we need to provide EDR interpretive guidelines
13 to courts to flesh out what I/we think should happen
14 in EDR proceedings."

15 What did you mean by that?

16 A So, the EDR plans are adopted on a
17 court-by-court basis, and each individual court unit
18 does its own reading of the EDR plan, its own
19 interpretation of the words.

20 Coming into a national role outside of my
21 10th Circuit universe where all of the courts have
22 the same plan and where I was familiar, to some

1 degree, of how different courts within the
2 10th Circuit interpreted things and had a sense of
3 that, coming into a national role and seeing that
4 people read the same language differently was like we
5 should talk about these differences and become more
6 aware and learn from each other where we have either
7 agreements or disagreements about interpretation.

8 It seemed to me coming into a national
9 role that that would -- I was hearing things as to
10 how this was handled that was different than how I
11 was used to seeing things.

12 And I thought, well, let's work on a more
13 national understanding of how we're all interpreting
14 these, how each court -- and we have like -- I don't
15 know how many -- 400 courts, 400 different lawyer
16 types. Let's have a more nationalized interpretation
17 of this.

18 Q So, from your experience in talking to
19 Caryn -- and I don't know if you had any other
20 experience -- but did you feel that those 400-plus
21 courts were sometimes interpreting things
22 differently?

1 A Yes.

2 Q You then said, "I've trained EDR
3 coordinators in the 10th Circuit, but I think that
4 needs to be nationalized."

5 Why did you think that?

6 A For the same reasons I just said.

7 Q "And I'd like to better understand if
8 FPDs are adequately protected by EDR remedies."

9 MS. McMAHON: Objection.

10 MS. YOUNG: Objection. Form.

11 THE WITNESS: What is your question? I'm
12 sorry.

13 BY MS. WARREN:

14 Q What did you mean by that?

15 A That was Caryn had asked me what would
16 happen if the defender didn't comply with the
17 presiding judicial officer's remedies at the end of
18 the complaint stage; and I did not at that time know
19 enough about the appointment, reappointment, and
20 removal of defenders to know what would happen. They
21 are different than the unit executive in the court
22 which is clearly governed by, supervised by, and

1 works at the pleasure of the chief judge and the
2 judges on that court.

3 And so I just didn't know the answer to
4 that particular question, and I had said I wanted to
5 find that out.

6 Q Did you ever tell Caryn the answer to
7 that question?

8 A I don't think I did. No.

9 Q Has your office -- did the Office of
10 Judicial Integrity provide EDR interpretive
11 guidelines to courts?

12 A Yes.

13 Q Did they provide national training to EDR
14 coordinators?

15 A Yes.

16 Q You were part of a 2018 working group.

17 A I was.

18 Q Why was that working group convened?

19 A It was in response to the recommendations
20 in the June 2018 workplace conduct working group.

21 Q Sorry. The working --

22 A The workplace conduct working group

1 report that came out in June of 2018 had made
2 recommendations for modifications to the EDR plan.

3 Q Sorry. I'm asking why the working group
4 was convened.

5 A Oh, not the EDR working group?

6 Q The EDR --

7 A The national one?

8 Q Yes.

9 A I wasn't part of that. I don't know.

10 Q How --

11 A I mean, anecdotally, I believe it was a
12 response to the law clerk allegations about
13 Judge Kozinski; but it's kind of a tethered
14 understanding. And that's what I think precipitated
15 that.

16 Q How is EDR different now, if at all?

17 A We extended the deadline to file to give
18 people more times. We added coverage for unpaid
19 interns and externs. We eliminated the prerequisites
20 that -- the 1990s -- let me finish the sentence.

21 We eliminated the prerequisites to filing
22 a formal complaint with the exception of abusive

1 conduct. The 1997 model EDR plan was based very
2 largely on the Congressional Accountability Act. If
3 you compare the EDR plan with the 1997 Congressional
4 Accountability Act, you'll see substantial
5 similarities. So that's where those prerequisites
6 came from.

7 So in the 2019, we wanted to simplify
8 that so that people could go right to the complaint
9 stage, if that's what they wanted to do, with the
10 exception of abusive conduct. We added abusive
11 conduct.

12 Instead of having these multiple pages at
13 the beginning which are kind of odd law bits, law
14 sections, we instead tried to describe the
15 protections in plain English but with a link to
16 the -- there's a -- in the judiciary, there is
17 something called the guide to judiciary policy, and
18 that is all of the policies that are binding on the
19 courts and adopted by the judicial conferences, and
20 so what we did is to link the full legal descriptions
21 to the guide but in the EDR plan put more plain
22 English descriptions of what those rights were.

1 We -- there is a lot of things we did.

2 We recognized the existence now of the
3 Office of Judicial Integrity.

4 At the time, there was only two or three
5 Circuit Directors of Workplace Relations, but we
6 recognized the possibility of that so we could now
7 say to an employee, "You can go to your EDR
8 coordinator; you can go to the circuit; or you can go
9 to someone nationally for that informal advice."

10 We added the concept of abusive conduct.

11 We added -- in addition to the EDR formal
12 complaint process, we added an informal process where
13 could you request assisted resolution.

14 I want help with my problem. I'm not
15 looking for litigation. I'm not looking for
16 complaints and responses and hearings. I just want
17 help. So we articulated that informal process.

18 We tinkered with language throughout in
19 any number of sections, confidentiality sections.

20 We added a concept that sometimes the
21 respondent should not be represented by the unit
22 executive, that there might be situations in which

1 -- and I think we just used the phrase "cause to
2 think," there should -- somebody else should
3 represent the office in the complaint stage.

4 We did away with any mandatory mediation
5 stage. It doesn't preclude it. You're certainly
6 still able to, but you don't have to go through a
7 structured mediation stage if you don't want to.

8 Let me think what else we did.

9 There possibly are more things, but those
10 are what is coming to my mind right now. There could
11 be more big changes that I'm not thinking of right
12 now, but that's what's coming to my mind.

13 Q Is there still a working group convened?

14 A The national -- the federal judiciary
15 workplace conduct working group is still in existence
16 and still meets. Yes.

17 Q And that is the group that was initially
18 convened in 2018?

19 A Yes.

20 Q Do you know if anyone with experience in
21 workplace discrimination outside of the judiciary was
22 involved in that working group?

1 A Oh, I have no -- my knowledge of that at
2 the time would be what was written in their June 2018
3 report. When I was judicial integrity officer, I
4 would attend those meetings; and it was just the
5 members of that committee. We didn't have outside
6 people that attended when I was a judicial integrity
7 officer, and I don't have knowledge since I left as
8 to who meets with them or doesn't meet with them.

9 Q Have you ever seen an EDR investigation
10 substantiate a claim made?

11 A Boy, I'm sure; but I can't think of a
12 specific.

13 I mean, so I have to be real careful and
14 be real precise. So in the 10th Circuit which is
15 where I've seen the most, I can't remember.

16 I really can't remember. Sometimes they
17 settled. Sometimes they -- I just can't remember. I
18 really can't remember.

19 Q You said that during your time as
20 judicial integrity officer, I think, the first year
21 you said there were about 100?

22 A That's my guess right now today.

1 Q Do you know how many of those went to a
2 formal hearing?

3 A Oh, I have no idea.

4 Q Okay.

5 A I would say the vast majority probably
6 didn't. I mean, in my experience generally,
7 workplace conduct issues are resolved more
8 informally.

9 Q And in your time as judicial integrity
10 officer --

11 A Sorry. Sorry to interrupt.

12 But those calls are from judges,
13 managers. They're not just from employees.

14 Q Because you're advising people.

15 A Yes.

16 Q Yes.

17 A In other words, I don't want to give the
18 impression that it's 100 different people with 100
19 different workplace conduct allegations. It could be
20 anything.

21 Q Yes. I understand you to mean that
22 someone who would like to make a claim might call in

1 and people who are trained to respond to that claim
2 also might call in.

3 A Exactly right.

4 Q Okay.

5 A Exactly right.

6 Q So --

7 A Or they might be calling to ask me is
8 this covered by EDR.

9 Q There might be no claim involved at all?

10 A There might be no claim. Right.

11 Q You said toward the start of your
12 deposition this morning that your understanding of
13 sexual harassment has been informed primarily by your
14 experience as a lawyer?

15 MS. McMAHON: Objection. It
16 mischaracterizes prior testimony.

17 BY MS. WARREN:

18 Q How has your understanding of sexual
19 harassment been informed?

20 A By my role as an EDR coordinator, by my
21 role as a circuit director, by my roles in the Office
22 of Judicial Integrity, judicial integrity officer, by

1 my role as a human in the world.

2 Q And what do you mean by your role as a
3 human in the world?

4 A Well, as anyone, you read about things in
5 the paper. You read about things on the Internet.
6 You read about examples of it, so --

7 Q Have you read any academic books about
8 sexual harassment?

9 A In law school, I did.
10 Boy, it's hard when you say academic.
11 I believe I've read law review articles
12 over the course of the years, and that's -- I have
13 read magazine articles. I have read any number of
14 things.

15 Q About how many times since 2007 in your
16 involvement with EDR has someone come to you with a
17 complaint of sexual harassment?

18 A I really would be guessing. I'd just -- I
19 would really be guessing.

20 Q Would it be more than 50?

21 A No, not even close.

22 Q More than 10?

1 A It could be in the 10 range.

2 Q And outside of your experience with
3 sexual harassment in the EDR context, do you have any
4 experience with sexual harassment as a lawyer?

5 A Do you mean like --

6 MS. YOUNG: Objection.

7 THE WITNESS: -- representing clients?

8 MS. WARREN: Yes.

9 THE WITNESS: No.

10 BY MS. WARREN:

11 Q As a staff attorney, did you ever deal
12 with sexual harassment cases?

13 A I helped judges draft whatever employment
14 law provisions cases came up, and I don't remember
15 now whether any of them involved allegations of
16 sexual harassment.

17 Q Was it a significant portion of your
18 docket?

19 A I don't know how you define "significant."
20 I mean, I had the full range of
21 non-orally argued cases that come before a Court of
22 Appeals on appeal.

1 So, employment law would be one of those.
2 Social Security laws would be another one of those,
3 criminal habeas -- I mean, there is a whole range of
4 things, and it would be one of those.

5 Q In the new EDR plan, is there a provision
6 that the respondent should not always be represented
7 -- the responding party should not always be
8 represented by the unit executive?

9 A There is a provision. Again, I'm going
10 from memory, so -- none of us apparently have it with
11 us.

12 There is a provision that says that the
13 presiding judicial officer or the chief judge can
14 determine that there is -- I think it says good cause
15 or cause that the unit executive should not
16 represent -- should not be the person who acts on
17 behalf of the respondent.

18 Q Do you know anything about the origin of
19 that provision?

20 A It was part of our discussions during the
21 EDR working group.

22 Q Did those discussions at all including

1 anything about this case?

2 A Nothing specifically would ever come up
3 about any particular fact pattern. That's all
4 confidential.

5 Q Do you know why the working group felt
6 that provision was needed?

7 A I can't speak on behalf of the whole EDR
8 working group. I mean, there was 12 of us. There
9 was some huge number of us.

10 Q Were there specific arguments made in
11 support of that provision?

12 A Obviously, or it wouldn't be in it.

13 Q Do you remember any of those arguments?

14 A No, I don't.

15 Q Is there anything that would refresh your
16 recollection on those arguments?

17 A Not that I can think of.

18 I mean, the language of the plan has that
19 in it now.

20 Q But don't know specifically why it was
21 added to the plan?

22 A I just can't remember now.

1 MS. YOUNG: Objection. Asked and
2 answered.

3 THE WITNESS: I just can't remember now.
4 It's been too long. If it was contemporary, I might
5 have a memory of it; but it's just been too long.

6 BY MS. WARREN:

7 Q Did you think that the provision was
8 needed?

9 A Yes.

10 Q Why?

11 A Because there would be times where there
12 might be some conflict of interest and so that seemed
13 to be a good thing to contemplate in the EDR plan.

14 MS. WARREN: Okay. That's it for us.
15 I'll pass the witness.

16 Thank you so much, Ms. Langley.

17 THE WITNESS: Thank you.

18 MS. McMAHON: I have a few questions.

19 MS. YOUNG: Do you want to take a break
20 first?

21 MS. McMAHON: Actually, can we take a
22 five-minute break?

1 (There was a break taken from

2 2:38 p.m. to 2:42 p.m.)

3 MS. McMAHON: Back on the record.

4 EXAMINATION BY COUNSEL FOR DEFENDANTS

5 BY MS. McMAHON:

6 Q Ms. Langley, can you please pull up
7 Plaintiff's Exhibit 54.

8 A Okay.

9 Q The first two pages of this exhibit are
10 your notes from your meeting on February 15th with
11 Ms. Strickland, is that right?

12 A Yes.

13 Q And these notes are based only on what
14 Ms. Strickland told you during that meeting.

15 A Yes.

16 Q And Ms. Strickland -- when Ms. Strickland
17 told you that the unit executive didn't see her
18 request for mediation, that was based on her account
19 only.

20 A True.

21 Q And if you will, go to page 5446
22 -- which is the second page of Exhibit 54 -- the

1 third paragraph down starting with, "I also said that
2 it would not be expected," there is a sentence here
3 that reads, "If the Court concluded there was a
4 significant conflict of interest, it could act such
5 as hiring an outside law firm to represent the
6 office."

7 When you were -- when you wrote this in
8 your notes, what stage of the EDR process were you
9 referring to?

10 A The complaint stage.

11 MS. McMAHON: That's all.

12 MS. WARREN: Just one question after
13 that.

14 FURTHER EXAMINATION BY COUNSEL FOR PLAINTIFF

15 BY MS. WARREN:

16 Q You were asked if these notes are purely
17 based on what Caryn told you.

18 A Yes.

19 Q The sentence, "If the Court concluded
20 there was a significant conflict of interest, it
21 could act," that is your own --

22 A That's a qualification. There are times

1 where I'm describing what I said to her. That's
2 true.

3 Q So these include factual statements that
4 Caryn made to you.

5 A Statements that --

6 MS. McMAHON: Objection.

7 THE WITNESS: -- she made to me.

8 MS. McMAHON: Misleading.

9 THE WITNESS: Statements that she made to
10 me.

11 BY MS. WARREN:

12 Q As well as some of the things that you
13 said to her in response?

14 A Right. Right.

15 MS. WARREN: Thank you.

16 All right. That's it. We are done.

17 (At 2:45 p.m., the taking of the
18 deposition was concluded.)
19
20
21
22

CERTIFICATE OF NOTARY PUBLIC

I, Kirk A. Sturges, the officer before whom the foregoing deposition was taken, do hereby certify that the witness whose testimony appears in the foregoing deposition was duly sworn by me; that the testimony of said witness was taken by me by machine shorthand and thereafter reduced to typewriting, by myself; that said deposition is a true record of the testimony given by said witness; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this deposition was taken; and further, that I am not a relative or employee of any attorney or counsel employed by the parties hereto, nor financially or otherwise interested in the outcome of the action.



A handwritten signature in blue ink that reads 'Kirk A. Sturges'.

Kirk A. Sturges, Notary Public for
the District of Columbia

My Commission Expires:

August 14, 2027

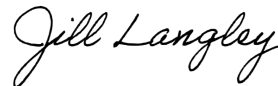
CERTIFICATE OF READING AND SIGNING

RE: CARYN DEVINS STRICKLAND v. UNITED STATES, et al.

DEPONENT: JILL LANGLEY

BEFORE: US DISTRICT COURT FOR WESTERN DISTRICT OF NC

I, JILL LANGLEY, the deponent herein, do
hereby certify that I have read the foregoing
deposition and certify that it is a true and accurate
transcription of my testimony given in the
above-captioned matter except for any corrections as
noted on the enclosed errata sheet.



Jill Langley

E R R A T A S H E E T

RE: CARYN DEVINS STRICKLAND v. UNITED STATES, et al.
DEPONENT: JILL LANGLEY
BEFORE: US DISTRICT COURT FOR WESTERN DISTRICT OF NC

Enclosed is the transcript of your deposition testimony. Please review the transcript, complete, and distribute the signed errata sheet and acknowledgement page to all parties, including this office, within 30 days. Any changes and/or corrections should be listed below and not made upon the transcript itself:

PAGE	LINE	CHANGE OR CORRECTION	REASON THEREFORE
162	4	Change "common" to "con"	Typographical error
163	9	Change "common" to "con"	Typographical error

DATE June 9, 2023

SIGNATURE s/Jill Langley

Jill Langley